

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

## **Incorporating Fitness to Practise 2020-2021**

Printed copies or references to the Student Code of Conduct and Disciplinary Procedure in other documents are uncontrolled and cannot be guaranteed to constitute the current version. Please refer to the web version: <https://my.cumbria.ac.uk/Student-Life/Support/Responding-to-your-concerns/Student-Code-of-Conduct/>

Revisions to the documents are listed in the [Policy Schedule](#).

This document can be made available in alternate formats. Please contact Student Academic and Administration Service to make a request via: [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk).

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## STUDENT CODE OF CONDUCT

### 1. Introduction

- 1.1 This Student Code of Conduct explains the University's expectations relating to the behaviour of its students in meeting social responsibilities, legislative and regulatory requirements, professional expectations and standards. It is not a legal proceeding.
- 1.2 The accompanying Disciplinary Procedure explains the range of steps the University can take when a complaint, grievance or allegation is made against a student to decide whether or not the Student Code of Conduct has been breached. It also explains what outcomes and sanctions can be applied if the Code is found to have been breached.

### 2. Scope

- 2.1 The Student Code of Conduct applies, but may not be limited to:
- All students enrolled on any programme of study delivered by the University
  - Students who have recently withdrawn from a programme governed by professional, regulatory and statutory bodies
  - Alleged misconduct within placements and the wider community
  - Students referred from a Professional Practice Case Conference for reasons of conduct
  - Students sponsored by the University under Tier 4 of the Points-based System, in compliance with Home Office UK Visa and Immigration UK regulations (see also S8 below)
  - Allegations where a student may need to be suspended pending the outcome of internal and/or external investigations.
- 2.2 A written allegation, complaint, concern or grievance may be made against a University student by:
- Another student;
  - A member of staff of the University;
  - A University representative, including mentors, placement-related staff and other agents of the University.
- Complaints cannot be anonymous and the student must see the complaint in order to reply.*
- 2.3 A complaint or allegation made by a member of the public may also be considered under the Student Code of Conduct where there is sufficient and appropriate information.
- Complaints cannot be anonymous and the student must see the complaint in order to reply.*
- 2.4 Complaints or allegations made by a student's parent, relative, friend or other third parties, cannot be pursued on behalf of a student. The exception to this is where the student has a disability or spld and being represented by a 3rd party is an assessed reasonable adjustment. Written consent will be requested from the student.
- 2.5 Students registered with other institutions will be subject to the policies and procedures of their own institution/organisation.
- 2.6 Anonymous complaints will not normally be considered.

### 3. Information, support, advice and guidance for students

- 3.1 Students will receive information when the Disciplinary Procedure is initiated. This will explain the nature of the allegation or complaint, what their rights and entitlements are, what is expected of the student and what the student can expect from the procedure.
- 3.2 **Students' Union:** The Students' Union offers an independent source of information, advice and guidance. Information about the Students' Union Student Support Team can be found online: <http://www.ucsu.me/support>. We would strongly encourage students to contact the SU if they are required to attend a disciplinary appointment.

- 3.3 **Students with a disability/specific learning difficulty:** Students with an assessed or confirmed disability and/or specific learning difficulty may be offered reasonable adjustments to assist them during the Disciplinary Procedure. Adjustments will be relevant to the disability and/or specific learning disability. Students with mental health conditions can seek support from the University's Health and Wellbeing team.
- 3.4 If at any time, a student with a disability or mental health condition is unable to engage with the Disciplinary Procedure, consideration will be given to putting the procedure on hold until support has been accessed.
- 3.5 The Disciplinary Officer, the staff member leading the disciplinary appointment may liaise with colleagues in the University's Disability Team to ensure appropriate adjustments are offered or to seek relevant information to help inform decisions.

#### **4. Suspension**

- 4.1 As a precautionary measure, the University may take the decision to suspend a student as an initial response to the seriousness of the allegations or concerns that have arisen. See also Section 2 of the Disciplinary Procedure.
- 4.2 Suspensions:
- Are without prejudice in that the University does not presume an outcome of investigations at the time the suspension is applied or reviewed
  - Are based on a risk assessment of the known circumstances
  - Can be disruptive, although academic continuity is maintained wherever possible and appropriate.
  - Can be for the protection of the student against whom the complaint has been raised and/or other parties that may be involved as well as for the person making the complaint
  - Are reviewed after the first month and may be extended where circumstances require.

#### **5. Police Involvement, DBS (Disclosure and Barring Scheme), professional, statutory and regulatory body (PSRB) requirements and PREVENT**

- 5.1 The University or person making an allegation reserves the right to refer matters to the Police where appropriate. Internal University procedures may be put on hold, although students may be suspended from all or part of the University, until the outcome of external investigations and or criminal proceedings is known. The University reserves the right to refer matters to the Police where a criminal act may have occurred against the University.
- 5.2 Students are reminded of their requirement to inform the DBS Team ([dbsteam@cumbria.ac.uk](mailto:dbsteam@cumbria.ac.uk)) at the earliest opportunity, should there be a potential or actual change to their DBS status.
- 5.3 Students enrolled on courses governed by PSRB requirements may also be required to notify their professional/regulatory body in line with those regulations, for example, NHS, HCPC etc.
- 5.4 The University has a statutory requirement to consider the "Prevent duty guidance" of the Counter Terrorism and Security Act 2015 to prevent people from being drawn into terrorism.

#### **6. Vexatious or Mischiefous Allegations**

- 6.1 An allegation found to be vexatious or mischiefous may result in action against that individual under the relevant procedure.

#### **7. External Reporting**

- 7.1 The University has a statutory requirement to inform external agencies of certain outcomes of the Disciplinary Procedure, for example, but not limited to, the DBS, Independent Safeguarding Authority, HCPC, UK Visas and Immigration and relevant professional organisations. Students will be notified should external reporting be required.

## **8. Home Office UK Visas and Immigration**

- 8.1 Students who are sponsored by the University under Tier 4 of the Point-based System should be aware that non-compliance with their Tier 4 responsibilities might result in the withdrawal of University sponsorship and therefore termination of their right to remain in the UK under a Tier 4 visa.

## **9. External Redress – Office of the Independent Adjudicator**

- 9.1 Students may apply to the Office of the Independent Adjudicator (OIA) should they exhaust the internal Disciplinary Appeal Procedure and remain dissatisfied with the outcome. Specific details of how to pursue redress via the OIA will be provided by the University's OIA contact in the form of the OIA's "Completion of Procedures" letter when all available avenues available have been exhausted.
- 9.2 Policies and procedures governing independent review are as determined by the OIA. Information relating to the OIA is available to all students at any time: [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **10. Disability Discrimination, Equality and Diversity; Impact Assessment Statements**

- 10.1 The University values equality and diversity and is committed to maintaining an environment where its employees, students and visitors are treated fairly and with respect at all times. It aims to ensure that its actions and working practices comply with both the spirit and intention of the Human Rights Act (1998) and the Equality Act (2010) which relates to the protected characteristics of age, disability, gender reassignment, marriage & civil partnerships, pregnancy & maternity, race, religion or belief, sex and sexual orientation.
- 10.2 The Student Code of Conduct and Disciplinary Procedure and their implementation are monitored in line with relevant legislation for their impact on different groups categorised. This provides a check on whether there are any differences in use of the procedures and allows the University to assess whether these differences have an adverse impact on any particular group and take appropriate action where required.
- 10.3 Further information regarding disability discrimination may be sought from the University's Equality, Diversity and Inclusion Manager.

## **11. Records Management Statement**

- 11.1 Records associated with this policy are controlled by the Student and Academic Administration Service and will be created, stored and disposed of in line with the University's Records Management guidelines and procedures.
- 11.2 The University is committed to complying with the requirements of Data Protection legislation and regulations and any personal data created as part of this policy will be processed in accordance with the University's Data Protection Act procedures. This includes ensuring that data is held securely, is not disclosed unlawfully and is destroyed when no longer needed.
- 11.3 The University also aims to ensure that users of this policy are aware of Data Protection, Freedom of Information and Records Management issues associated with this policy.

## **12. Policy Review and Reporting**

- 12.1 The Student Code of Conduct is monitored annually and amendments can be made to reflect changes in legislation and good practice as appropriate and ensure clarity. An annual report is submitted to Academic Board, reporting on the use of this policy and accompanying procedure. Full review normally takes place triennially.

## 13. Codes of Conduct

- 13.1 The following elements of the Code of Conduct are examples of behaviours and the University reserves the right to consider/investigate any complaints not listed below.

## THE STUDENT CODES OF CONDUCT

**1. You should not behave in a way that is or could be perceived to be unacceptable to another person.** This includes your actions or verbal and written words, including social media, texting, other messaging forums etc. I.e: you should not behave in a way that is or could be considered to be, but not limited to:

- Abusive or unreasonable behaviour eg: making offensive comments; causing someone to feel threatened, fearful or anxious; making abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender, reassignment, disability or age; acting in an intimidating or hostile manner.
- Physical misconduct eg: punching, kicking, slapping, biting, pushing, shoving.
- Sexual misconduct eg:
  - Inappropriately showing sexual organs to another person; repeatedly follow another person without good reason; make unwanted remarks of a sexual nature
  - Without consent of the other person: engaging in or attempting to engage in kissing, sexual intercourse or a sexual act; share private sexual materials of another person; touching inappropriately through clothes.
- Engaging in any activity that may constitute hate crime including, but not limited to, antisemitism and anti-Muslim activity.
- Engaging in any activities related to the incitement of, or participation in, acts of terrorism.

**2. You should not behave in a way that has the potential to, or does damage, the reputation of or brings the University into disrepute.** This includes but is not limited to, for example, your behaviour or conduct:

- On campus
- In any University-related activity, regardless of location
- Off campus.

**3. You should not act in a way that has the potential to or does cause injury or harm or affect the health and safety of yourself or others.** This includes but is not limited to, for example:

- Breaching the University's policies on Health, Safety and the Environment
- Misuse of or tampering with fire safety equipment
- Keeping or carrying any items that may constitute a weapon, even if properly licenced.

**4. You should meet the academic and professional expectations and requirements of your programme in relation to conduct and behaviour.** This includes but is not limited to, for example:

- Attending and engaging as per your programme expectations, normally set out in relevant handbooks, including formal timetabled sessions, informal programme related activity, placement/practice requirements, compliance with specific programme codes of practice
- Complying with professional, statutory, regulatory body expectations and requirements to protect present and future patients, service users or clients at all time. See also the Academy Fitness to Practise Policy. Examples include, but are not limited to:
  - Health Care Professions Council
  - Nursing and Midwifery Council
  - North West Ambulance Service
- Complying with relevant programme professional standards relating to personal and professional conduct. Examples include but not limited to:
  - The Youth Work National Occupational Standards
  - Teachers' Standards
  - Policing Code of Ethics
  - Military codes of conduct

**5. You should comply with UKVI Visas and Immigration rules if you are a student with a Tier 4 visa.** You must ensure you meet all your visa requirements. This includes, but is not limited to fulfilling your attendance requirements.

**6. You should comply with approved University policies and regulations.** This includes but is not limited to, for example:

- Academy Fitness to Practise Policy
- Academic Regulations including the Attendance Policy
- Admissions Procedure and DBS requirements
- Equality, Diversity and Inclusion
- Freedom of Speech: Code of Practice
- Library Regulations
- Safeguarding: children and working with vulnerable groups
- Student Progress Reviews
- Student Social Media Policy
- University parking regulations.
- Use of computer facilities: the academic network, e-mail, software, data-sets, web access, information security etc

**7. You should not cause damage to, mistreat or take property or equipment.** This includes, for example property or equipment that belongs to or is part of:

- The University, its campuses, teaching and service facilities etc
- University staff and or students
- Any visitors to the University or users of University services and facilities
- Placement/practice organisations
- University-managed student accommodation.

**8. You must not act in a way that is, or has the potential to be fraudulent, deceitful, deceptive or dishonest.** This includes but is not limited to, for example:

- Forging, altering or misusing University documents or records, your CumbriaCard or any other identification card
- Withholding or providing false information when accessing or using any University procedure or service
- Invading, abusing or attempting to abuse the security, integrity or privacy of any files or confidential material associated with all University procedures, records, programmes of study and services.

**9. You should not smoke in any areas other than those designated as authorised smoking areas.** This includes, but is not limited to, for example, smoking cigarettes or illegal substances.

**10. You should not (mis)use, produce, trade, store or transport drugs or other illegal substances.** This includes but is not limited to, for example, to not:

- Using, keeping or selling illegal substances
- Keeping any paraphernalia that could be used in relation to drug use or misuse.

**11. You should comply with the Conditions of Residence associated with your accommodation contract.** This includes but is not limited to, for example:

- Maintaining standards of behaviour and domestic arrangements
- Complying with a proper direction or request from of a member of the Accommodation and Estates teams etc as they fulfil their duties and responsibilities
- The behaviour and conduct of any person you allow or invite into University-managed accommodation.

**12. You should not make a vexatious or malicious complaint about another person associated with the University.**

**13. Criminal conviction.** If you are convicted of a criminal act, regardless of location (ie: University premises, any organisation where you are on placement or visiting as part of your studies and non-University premises and location), the University will facilitate its Disciplinary Procedures to consider the implications of the conviction to your status as a student of the University.

Note: The University will not normally investigate an allegation that has been investigated externally but will consider the implications of the outcome of those investigations.

**14. You should comply with the Student Disciplinary Procedures associated with this Student Code of Conduct.**

This includes, for example, to:

- Not assisting, encouraging or inciting any other student to act in a way which may constitute a breach of the Student Code of Conduct. You may be held responsible for the behaviour of any person you have invited to any part of the University.
- Ensuring you attend or respond to correspondence related to the Disciplinary Procedure.
- Not intimidating, victimising or threatening any person who may have made a complaint or raised a concern about your alleged behaviour, or any witnesses who do, or refuse to, support a complaint against you or who you ask to support you in responding to the complaint.
- Complying with the decisions of the Disciplinary Procedure ie: fulfil sanctions and outcomes such as payment of fines, abiding by an action plan etc.

Note: Accumulated breaches may result in more severe sanctions being applied and a formal consideration of the implications for your programme of study.



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## DISCIPLINARY PROCEDURE

### 1. Introduction and Principles

- 1.1 The Disciplinary Procedure is used to investigate whether or not a student has breached the University's Student Code of Conduct. Although a complaint or allegation must be supported by evidence, it is not a legal process. Decisions are made based on:
- The weight of information available
  - Balance of probabilities
  - Test of reasonableness.
- 1.2 The Disciplinary Procedure is underpinned by the principle of 'natural justice'. If you have had an allegation or complaint made against you, you have the right to:
- Be informed of the nature of the alleged breach; this will always be in writing (by email to your student email address) and without pre-judging the outcome.
  - Be provided with any accompanying evidence or information.
  - Respond to the allegation(s); advance notice of the appointment provides time to prepare a response.
  - Seek information, advice and guidance before, during and after appointments, normally via the Students' Union and/or the Disability team if you have declared a disability or spld and would like reasonable adjustments to be in place to assist you during this procedure.
- 1.3 You are expected to attend the appointment, or reply to correspondence, to offer your response. You can offer mitigating circumstances for consideration. Please be aware that you should provide evidence in support of your mitigating circumstances, preferably provided in advance of the appointment wherever possible.
- 1.4 If you fail, or chooses not to engage with the Disciplinary Procedure, decisions can be made in your absence based on the information available, including deciding outcomes and/or sanctions. Offering a new date is at the discretion of the Disciplinary Officer/Committee Chair. Your right of appeal is not affected if decisions are made in your absence.

### 2. Suspensions – precautionary measures on receipt of a serious allegation or complaint

- 2.1 The University can take the decision to suspend you until the outcome of investigations (internal or external) are known. It is a risk assessment approach based on known information.
- 2.2 Suspensions are a precautionary measure applied without prejudice, but often unfortunately not without disruption. Consideration of academic continuity is given and applied wherever possible and appropriate. Criteria for a suspension can include, but are not limited to suspension from:
- The University as a whole
  - Placement/practice
  - Specific University services, premises, facilities or activities
  - Access to the student IT account (Blackboard, student email account, CumbriaCard etc).
- 2.3 Your suspension will be reviewed after the first month or sooner if new information becomes available. Where a suspension is linked to external investigations, the suspension may have to remain in place for the duration of those investigations and any later internal University procedures that may be required.
- 2.4 Internal university investigations will not normally take place at the same time external investigations are ongoing. If, however, there are separate or additional allegations that you have breached the University's code of conduct that are not being investigated externally, the University may take forward internal investigations.
- 2.5 If it is alleged that you have breached further elements of the Student Code of Conduct whilst suspended, you can expect to have those allegations considered alongside the original complaint(s).

- 2.6 Suspensions will be noted on your student record and this may prevent you being able to engage in normal university-related activities such as assessments, placements, visits etc. Where required, information may be provided to relevant external agencies.
- 2.7 You may request that new information considered as the suspension progresses by writing to the senior manager who authorised your suspension. This information will always be considered, but may not alter the terms of the suspension.

### 3. Methods of Disciplinary

- 3.1 Please refer to the individual sections for details of each method. Note: Fitness to Practise (ie: where your programme is governed by a professional, statutory, regulatory body) is considered through the methods below if and when it has been found that there has been a breach of the code of conduct.
  - Fixed Penalty Notice (Procedure section A). A fine, warning or requirement to make an apology applied for anti-social/health and safety breaches, where a student has admitted responsibility from the outset and no investigation is required.
  - Disciplinary Meeting (Procedure section B). Used to address minor programme-related misconduct, minor fitness to practise concerns or minor accommodation-related complaints.
  - Disciplinary by Correspondence (Procedure section C). Used to consider minor misconduct using written communications (normally email via your student email account) rather than a face-to-face appointment.
  - Disciplinary Interview (Procedure section D). Used to consider more serious misconduct, non-compliance with other procedures and/or an accumulation of minor breaches.
  - Health and Conduct Committee – behaviour and conduct (Procedure section E1). Used to consider serious allegations of misconduct, non-compliance with other procedures and/or an accumulation of minor breaches.
  - Health and Conduct Committee – health (Procedure section E2). Used to consider significant and complex health and disability matters, often referred from a Professional Practice Case Conference. **This is not a disciplinary hearing.**

### 4. Principles for investigating and responding to an allegation or complaint – all methods

- 4.1 In advance of the disciplinary appointment, you will be sent a letter (normally via your student email address) which may include additional information detailing the complaint and explaining how it is believed the Code of Conduct has been breached. This letter will also explain your entitlements and the expectations for the appointment.
- 4.2 If you have a disability/specific learning difficulty, please do tell the Disciplinary Officer/Committee secretary of the reasonable adjustments needed to assist you during the Disciplinary Procedure. It may be necessary to change the date of the appointment to arrange some adjustments eg: note taker.
- 4.3 The Disciplinary Procedure can be put on hold if you offer evidence of health-related mitigating circumstances. The Disciplinary Officer or Committee Chair can decide it is necessary to obtain medical reports before continuing with the procedure.
- 4.4 You are required to attend the appointment. It is possible for your disciplinary appointment to be held by Skype or phone if, for example, you are on placement, are a distance learner, overseas, part time etc. The decision will be made by the Disciplinary Officer and this may depend on the seriousness of the allegation.
- 4.5 You may contact the Disciplinary Officer/Committee secretary to request an alternative appointment time or written response deadline, but changes cannot always be guaranteed.
- 4.6 If you do not attend the appointment or do not reply to Correspondence and have not offered reasons in advance, decisions can be made in your absence.

4.7 You can take a member of the Students' Union or a University-friend, not related to the allegation or complaint to your disciplinary appointment for support, or to assist you in writing your reply. However, it is expected that you will engage directly with the Disciplinary Officer/Committee during the appointment. You should note that information relevant to the allegation or complaint might be discussed that you have not made the person(s) with you aware of.

4.8 The Disciplinary Officer may ask a relevant member of your academic department and/or professional/regulatory body\* to attend or contribute to the disciplinary investigation. Any additional people (not including witnesses – see section 5 below):

- Will be relevant to the allegation or complaint and are invited to help inform discussions
- May sit in for the whole or only part of the appointment as relevant
- Will not form part of the final decision making.

\* A representative from your field will be in attendance where the Disciplinary Officer has identified that there may be fitness to practise concerns if the codes are found to have been breached. This person:

- Will be impartial and have no prior knowledge of you or the concerns relating to you
- Will not form part of the final decision making but will be invited to help inform discussions from the perspective of the field of employment
- May sit in for the whole or only part of the Interview/Committee as relevant.

A note taker may be present, to take notes that will inform the Action Plan or Short Report.

4.9 At any point, the Disciplinary Procedure can be adjourned:

- So further information can be obtained before decisions can be made, including follow up with a person not present at the appointment
- To obtain medical information/evidence

If new information does become available, you will receive a copy of the new information and be given time to consider it before the Committee is reconvened.

## 5. Use of witnesses

5.1 A witness is defined as someone who can confirm whether or not all or part of the complaint or allegation did occur. A witness is not someone who would offer a character reference.

5.2 Both you and/or the Disciplinary Officer can ask a witness to attend your disciplinary appointment. The Disciplinary Officer will name any witnesses in the letter sent in advance of the appointment. You must tell the Disciplinary Officer in advance if you are bringing a witness and give their name. At your appointment, the Disciplinary Officer will ask your witness to confirm that they are willing to act as a witness. Witnesses may be called into the appointment at the relevant point in discussions and are normally, not present through the whole of the appointment.

5.3 If an allegation is made that there has been inappropriately behaviour towards a witness or someone who does not want to be a witness, the Disciplinary Officer may consider this during the Disciplinary or following a concluded investigation.

## 6. Outcomes of Disciplinaries and case documents

6.1 After consideration of the information available, the Disciplinary Officer or Health and Conduct Committee – disciplinary - will decide whether:

- (a) Allegations should be dismissed as unfounded, trivial, lacking in evidence or vexatious
- (b) A breach has occurred and an appropriate sanction(s) is applied
- (c) To refer to an alternative disciplinary method for further investigation, or a more serious sanction
- (d) Following a Disciplinary Interview, to refer to Chair's Action (Section 7 below).

- 6.2 A range of outcomes and/or sanctions may be applied when a breach is found to have occurred and should be relevant and proportionate to the breach. The list of possible outcomes and sanctions may be amended periodically (see section “F. OUTCOMES AND SANCTIONS” below).
- 6.3 Where appropriate, signposting to internal or external services may be recommended eg. GP, counsellor or occupational health.
- 6.4 If it is found that the code of conduct has been breached, you will receive an Action Plan or Short report for reference. A further copy will be placed on your student file. In some cases, it may be copied to a relevant external body. You will be given information about the Disciplinary Appeal Procedure (see also section “G: DISCIPLINARY APPEAL PROCEDURE” below).
- 6.5 If no codes are found to have been breached, you will receive a copy of the Action Plan or Short Report but a copy will not be placed on your student file. A copy will be stored by SAAS for anonymous statistical purposes and destroyed in accordance with the University’s records retention policy.

## 7. Chair’s Action

- 7.1 Following a Disciplinary Interview, the Disciplinary Officer may refer a completed enquiry to the Chair of a Disciplinary Committee to consider Chair’s Action when:
- A full consideration of all available information has been carried out AND
  - A breach(es) has been admitted or found and a more severe sanction than can be applied by a Disciplinary Officer at an Interview is required.
- 7.2 Chair’s Action may not be taken when there is a need to conduct further enquiries, or seek additional information, before deciding whether Codes have been breached.
- 7.3 The Chair may approve a more serious sanction than would normally be considered at a Disciplinary Interview. The Chair reserves the right to require further considerations or convene a Committee if appropriate.

## 8. Appealing against the outcomes and the Office of the Independent Adjudicator

- 8.1 A student may appeal against the decisions made through a disciplinary, subject to grounds.
- 8.2 If all internal appeal routes have been exhausted you will receive a ‘completion of procedures letter’. If you are not content with the outcome of an appeal, you may apply to the Office of the Independent Adjudicator (OIA), subject to the OIA’s scope and eligibility, to apply for a review of your disciplinary. See section “G: DISCIPLINARY APPEAL PROCEDURE” below and Policy section “9. External Redress – Office of the Independent Adjudicator”.

## A: FIXED PENALTY NOTICE PROCEDURE

- A1. A Fixed Penalty Notice may be issued where all of the following criteria are met:
- i) An incident/complaint is reported to a University staff member.
  - ii) You are identified and approached (face-to-face, electronically or by phone) with details of the complaint and made aware that a sanction may be applied if the breach is admitted.
  - iii) You admit to the breach/take responsibility for the complaint and no investigation is required.

You can request a Disciplinary Meeting as an alternative.

A2. Outcomes and sanctions:

<b>Anti-Social behaviour:</b>	<b>Contravention of health and safety regulations:</b>
Noise disturbance (£50.00 fine)	Smoking in unauthorised areas (£50.00 fine) & use of candles etc (£30.00 fine)

Lack of respect for fellow students and staff (£25.00 fine)	Setting off fire alarm (eg. unattended cooking etc) (£50.00 fine)
Vandalism and/or minor damage to property repair/replacement costs as applicable.	Tampering/misuse of fire equipment eg. fire extinguishers, fire doors, blankets, fire alarm points, smoke detectors etc refill/repair costs as applicable.
Littering within or outside of halls, including cigarette butts (£15.00 fine)	Failure/refusal to evacuate in the event of a fire alarm (£50.00 fine)
Cleanliness of flat/halls (£30.00 cleaning charges)	Breaching security within halls of residence (£30.00 fine)
Unauthorised visitors to hall/room/flat (£20.00)	Misuse of first aid box (£25.00 fine plus replacement of items where applicable)
Failure to provide student identification at the reasonable request of a member of University staff or staff working with the University (£10.00 fine)	Misuse of University-provided personal safety equipment eg. panic alarms (£25.00 fine)
Verbal warning	
Written warning	
Requirement to complete a community based/beneficial activity	
Fines can be suspended (whole or part) at the discretion of the Disciplinary Officer. A suspended fine will be activated if there are further breaches of the code of conduct. Damages to university-managed accommodation and or cleaning, replacement and repair costs may be charged separately.	

A3. More than one incident can be included on one Fixed Penalty Notice form, provided they all comply with A1 above.

A4. A copy of the Notice will be placed on your student file.

A5. Where a financial penalty is applied, you are required to pay the fine when you receive an invoice, in line with the University's Finance procedures. Non-payment may be subject to the University's debt management procedures and may in some cases, be referred to a debt collection agency. All monies collected from any of the Disciplinary Procedures are paid into the University's student hardship fund.

A6. You may appeal, subject to grounds, as explained on the Fixed Penalty Notice form.

## B: DISCIPLINARY MEETING PROCEDURE

**Sections 4, 5 and 6 of the Disciplinary Procedure above all apply to the procedure for a Disciplinary Meeting.**

B1. Minor misconduct may be addressed by for example, but not limited to:

- a member of your academic team - poor/non-attendance, minor unprofessionalism, disruptive behaviour
- an Accommodation Officer - minor breaches of health and safety regulations or anti-social behaviour if you have received a Fixed Penalty Notice and prefer to meet face to face.

B2. Outcomes and/or sanctions may be applied from a Disciplinary Meeting and will be set out on an Action Plan.

B3. If you do not attend the appointment and have not offered reasons in advance, decisions can be made in your absence.

B4. If you do not comply with the action you may be referred to a Disciplinary Interview or Health and Conduct Committee for further consideration.

## C: DISCIPLINARY BY CORRESPONDENCE PROCEDURE

C1. Disciplinary by Correspondence is used for minor misconduct where it is not necessary or is difficult to meet with the student face-to-face in order to carry out an investigation.

- C2. The letter emailed to you will outline the allegation or complaint and how it relates to the Code of Conduct. The letter will also clearly set out what you are required to do to reply. You can request the Disciplinary Officer arranges a Disciplinary Meeting as an alternative if you would prefer to meet face to face to discuss your reply.
- C3. On receipt of the response, the Disciplinary Officer reserves the right to arrange or refer the matter to a Disciplinary Interview or Health and Conduct Committee should there be a need to explore the response further.
- C4. You will be informed by email of:
- The outcomes of the investigation.
  - Outcomes and or sanctions
  - Your right to appeal.
- C6. Where breaches have occurred, a copy of the Correspondence will be placed on your student file. The outcome may also be passed to relevant external bodies if applicable.
- C7. Where it is found that no breaches have occurred, you will be provided with a copy of the outcome in writing. The reply will not be held on your student file, but will be held centrally for statistical recording

**D: DISCIPLINARY INTERVIEW PROCEDURE, incorporating Fitness to Practise where applicable**

**Sections 4, 5 and 6 of the Disciplinary Procedure above all apply to the procedure for a Disciplinary Interview.**

D1. There can be two parts to a Disciplinary Interview:

PART 1: Consideration of evidence to decide if there has been a breach of the Student Code of Conduct, provided to you in advance. The papers identify elements of the code that relate to the details of the allegation or complaint and suggest outcomes and sanctions for consideration if the codes have been breached. The letter explains expectations of the Interview and your entitlements.

PART 2: Consideration of additional evidence to decide if the disciplinary issues have Fitness to Practise implications.

- D2. A Disciplinary Interview may be arranged in, but is not limited to, the following circumstances:
- a) As a result of non-compliance with the requirements of a Disciplinary Meeting, Disciplinary by Correspondence, a Fixed Penalty Notice or non-compliance with the Student Progress Review.
  - b) Recommended by a Disciplinary Officer on receipt of a response when initially investigated by Correspondence or from a Meeting.
  - c) Recommended by a Disciplinary Officer where a complaint/allegation is more serious than one which could be dealt with by Correspondence or Meeting.
  - d) As a result of a vexatious allegation under the Disciplinary Procedure or complaint under the Student Complaints Policy and Procedure.
  - e) On completion of any Police or other criminal or external investigations.
  - f) To consider the implications of a Major Malpractice Panel outcome.
  - g) As a referral from a Professional Practice Case Conference.
  - h) To review a University initiated suspension.
- D3. You will be given a minimum of 3 working days' notice of the Interview. You may be required to give apologies to prior engagements, including lectures, placement, work and commitments if the appointment is during term time.
- D4. If you are found to have breached the code of conduct, outcomes and/or sanctions may be applied and you will be sent information explaining the Disciplinary Appeal Procedure.
- D5. If you do not comply with the outcomes or sanctions, you may be referred to a further Disciplinary Interview or a Health and Conduct Committee for further consideration.

## E: HEALTH AND CONDUCT COMMITTEE PROCEDURE, incorporating Fitness to Practise where applicable

Sections 4, 5 and 6 of the Disciplinary Procedure above all apply to the procedure for a Health and Conduct Committee.

There are two forms of Health and Conduct Committee. In both, the Committee is made up of a Chair, an independent University staff member and a representative of the Students' Union, not previously involved in the case. The relevant Principal Lecturer will prepare the case to be considered at a **health-related** Committee. The Disciplinary Officer will prepare the case for a **behaviour/conduct-related** Committee.

You will be given a minimum of 10 working days' notice of the Committee. You may be required to give apologies to prior engagements, including lectures, placement, work and commitments if the appointment is during term time.

### **E1. Health and Conduct Committee – behaviour/conduct**

- a) The Committee will normally, although not exclusively, be arranged, for example:
- Where an allegation or complaint is believed to be more serious than one which could be dealt with at a Disciplinary Interview
  - Where there is evidence of an accumulation of concerns
  - To consider the implications of the outcome of a Major Malpractice Panel
  - To consider the implications of the outcome of an external investigation (criminal or professional body etc)
  - Following a referral from a Professional Practice Case Conference
  - To consider if there are fitness to practise concerns in respect of the future protection and safeguarding of the public.
- b) If you are found to have breached the code of conduct, outcomes and/or sanctions may be applied and you will be sent information explaining the Disciplinary Appeal Procedure.

### **E2. Health and Conduct Committee – health.** *This is not a Disciplinary Committee.*

- c) The Committee will normally, although not exclusively, be arranged, for example:
- Following a referral from a Professional Practice Case Conference, facilitated by the Principal Lecturer
  - To consider complex health, disability and or spld matters and the impact on your ability to achieve programme outcomes
  - To consider if there are fitness to practise concerns in respect of the future protection and safeguarding of the public.
- d) A representative from your field will be in attendance where the Principal Lecturer has identified that there may be significant fitness to practise concerns as the reason for requesting this Committee. This person:
- Will be impartial and have had no prior knowledge of you or the concerns relating to you
  - Will not form part of the final decision making but will be invited to help inform discussions from the perspective of the field of employment
  - May sit in for the whole or only part of the Committee as relevant.
- e) At any point, the Committee may be adjourned:
- So further information can be obtained before decisions can be made, including follow up with a person not present at the Committee
  - To obtaining medical information/evidence.
- f) If new information does become available, you will receive a copy of the new information and be given time to consider it before the Committee is reconvened.
- g) Outcomes of a health-related Health and Conduct Committee can include, but are not limited to:
- An Action Plan to be fulfilled whilst studies continue. This might include:
    - recommended signposting to internal or external services as appropriate



- referral to Occupational Health (review of existing or referral to new assessment)
- signposting to other University procedures, for example, extenuating circumstances.
- Suspending your attendance and engagement with all or part of your programme pending completion of the Action Plan.
- Your withdrawal from the professional element of your programme of study, with a recommendation to consider alternative academic options for example, but not limited to an exit award without the professional element, transfer to a non-professional route where regulations allow
- Requirement to intercalate on health grounds. Your return to studies may be conditional on fulfilling specific requirements such as occupational health assessment
- Discontinuation from the University if there are significant concerns in respect of the future protection and safeguarding of the public.

## F: OUTCOMES AND SANCTIONS

### F1. Disciplinary Meeting

*Outcomes include:*

- a) A requirement to fulfil an action plan outlining appropriate performance targets by the Disciplinary or Accommodation Officer.
- b) A requirement to undertake a project or activity, relevant to the nature of the breach (this can be in consultation with other staff within the University/ Students' Union). This could include, but is not limited to, helping to organise and participate in a relevant educational programme or activity, preparing an information bulletin from which other students could learn and/or attending (if available) a special class or lecture (a health and safety class, anger management session, for example).
- c) A recommendation/requirement to undertake personal/professional development/ counselling and/or seek medical advice.

*Sanctions should be proportionate to the breach and can be one or more of the following:*

- d) Receiving a formal and recorded verbal warning
- e) Receiving a formal and recorded written warning
- f) Making a written or verbal apology

For Meetings that take the place of a Fixed Penalty Notice, the same outcomes and sanctions can be applied as for a Fixed Penalty Notice.

### F2. Disciplinary by Correspondence & Disciplinary Interview.

Examples of outcomes and sanctions include:

- a) to f) above
- g) A requirement to pay full or partial restitution of the cost of the damage or loss suffered by the University or the property of the person making the allegation.
- h) A request to move to alternative University residences (where you live in University-managed accommodation and the accommodation contract permits).
- i) A notice being held on file barring future residence within University residences.
- j) Being prohibited from entering specified University residences (whether you are a resident or not).
- k) Receiving a fine up to a maximum of £50.00 (Disciplinary by Correspondence) or £75.00 (Disciplinary Interview) for each breach of the Student Code of Conduct.

The total fine amount will be capped at £200 (Disciplinary by Correspondence) and £400 (Disciplinary Interview) where more than one code has been breached and fines are applied.

All or part of a fine can be suspended. However, if there are further breaches of the Code of Conduct, the suspended fine will be activated and the overall sanction can be more severe due to an accumulation of breaches.

Where cost of repair or replacement for damage to university accommodation is required, this will be invoiced by the Accommodation office, separately to any fines.

All fines are paid into the University operated hardship fund for students.

### F3. Health and Conduct Committee – disciplinary

Examples of outcomes include:

a) to k) above.

Examples of sanctions include:

- l) Exclusion or temporary suspension from University residences. This shall mean that you may not continue to live in University-managed accommodation from a specified date or for a specified period.
- m) Temporary or permanent exclusion from a University service(s) (e.g. the Library, computer network).
- n) A fine up to a maximum of £150.00 for each code breached. The total fine amount will be capped at £600 where more than one code has been breached and fines are applied.

All or part of a fine can be suspended. However, if there are further breaches of the Code of Conduct, the suspended fine will be activated and the overall sanction can be more severe due to an accumulation of breaches.

All fines are paid into the University operated hardship fund for students.

Where cost of repair or replacement for damage to university accommodation is required, this will be invoiced by the Accommodation office, separately to any fines

- o) The Committee may also apply one of the following:
  - i. Suspend, withhold or withdraw all or part of a University award.
  - ii. Suspend you from the University for a specified period of time. This will mean that you will not be enrolled as a student from a specified date and will not be allowed to re-enrol for a period of time to be decided when the sanction is applied, but which will, normally, be no longer than twelve months.
  - iii. Withdraw you from the professional element of your programme of study, with a recommendation to consider alternative academic options for example, but not limited to, an exit award without the professional element, transfer to a non-professional route where regulations allow.
  - iv. Deregistration from the University. This will mean that you will no longer be an enrolled student normally with immediate effect. If you live in university managed accommodation, you will have your contract terminated.  
Consideration may be given to whether you may be entitled to enrol on any future occasion, either returning to the same or may apply for a new course of study.
- p) **Students with a Tier 4 visa:** The University will be required to withdraw sponsorship and to report to the UK Visas and Immigration if you are suspended or deregistered from the University through this procedure.

F4. Individual outcomes and sanctions may be applied for each Code breached and any combination of the above sanctions may be applied. Exceptionally, where none of the above are deemed to be appropriate, another alternative outcome or sanction can be applied, if the Director of Student Academic and Administration Service or designee approves it.

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## G: DISCIPLINARY APPEAL PROCEDURE

Gi. You have the option to make an appeal, subject to grounds, following Disciplinary by Correspondence or Interview or a Health and Conduct Committee.

Gii. You should complete the “**Disciplinary Appeal Form**” available on line from:

[www.cumbria.ac.uk/studentconduct](http://www.cumbria.ac.uk/studentconduct) and identify one or more of the grounds. Outcomes are dependent on the ground(s) evidenced. You must:

- Include all information you wish to be considered when submitting your Disciplinary Appeal. We may not accept additional information later, unless you can tell us good reasons why it could not be included with your appeal form.
- List any documents attached to support your disciplinary appeal if applicable.
- Have the permission of any third party (eg: other students, staff etc) before naming them in a statement.

Giii. Appeals should be emailed to [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk), within 10 working days of the date of notification of the outcome.

<b>Disciplinary by Correspondence, Interview or Health and Conduct Committee - conduct</b>	
<b>Ground</b>	<b>Outcomes</b> The evidence/ information will be reviewed to decide if it makes a material difference to the original decision.
i. You have new material evidence available that could not be provided earlier. <i>By material, we mean evidence that you believe may alter the decision of the disciplinary and which could not be provided at the time of your disciplinary.</i>	<p><b>Appeal upheld</b> – resulting in either:</p> <p>a) Decisions are changed or amended.                      b) The Disciplinary will be referred to the original Disciplinary Officer or Committee Chair, or a new full, new Disciplinary will be arranged at the earliest opportunity (referred to a new Disciplinary Officer or Committee) to consider the new evidence. The outcome of the consideration may or may not result in any changes to the outcomes.</p> <p><b>Appeal not upheld</b> - There will be no changes made to the decision or outcomes.</p> <p><b>Timeframes:</b> You can expect to receive a decision within 10 working days of the date of receipt of your appeal.</p>
ii. You have provided evidence that the procedure for your Disciplinary was not followed correctly.	<p><b>Appeal upheld</b> – resulting in either:</p> <p>a) Decisions are changed or amended                      b) A new disciplinary to consider the concerns afresh, with new people involved will be arranged. The outcome of the new disciplinary may or may not result in any changes to the outcomes.</p> <p><b>Appeal not upheld</b> - No procedural error is identified and the original outcomes are confirmed as correct.</p> <p><b>Timeframes:</b> You can expect to receive a decision within 10 working days of the date of receipt of your appeal.</p>
iii. You believe the sanction is not proportionate or relevant to the code(s) breached.	<p><b>Appeal upheld</b> – resulting in either:</p> <p>a) Sanction(s) being reduced or amended.                      b) Sanctions being removed.</p> <p><b>Appeal not upheld:</b> No change to the sanction(s).</p> <p><b>Timeframes:</b> You can expect to receive a decision within 10 working days of the date of receipt of your appeal.</p>
<b>Fixed Penalty Notice (FPN)</b>	
a) You can offer mitigating circumstances and reasons why	<p><b>Appeal upheld</b> – resulting in eg:</p> <p>a) Decisions are changed or amended.</p>

they could not be provided when issued with the FPN.	<p><b>Appeal not upheld</b> - There will be no changes made to the decision or outcomes.</p> <p><b>Timeframes:</b> You can expect to receive a decision within 10 working days of the date of receipt of your appeal.</p>
b) You have evidence that the Fixed Penalty Notice Procedure has not been applied as set out in "A: Fixed Penalty Notice".	<p><b>Appeal upheld</b> – resulting in either:</p> <p>a) Decisions altered eg: dismiss the breaches or amend the outcomes or sanctions.</p> <p>b) The FPN is removed and no further action is taken.</p> <p>c) A new FPN issued.</p> <p>d) The concerns are referred to a Disciplinary Interview to consider the concerns afresh. This may or may not result in any changes.</p> <p><b>Appeal not upheld</b> – No procedural error is identified, therefore there will be no changes made to the decision or outcomes.</p> <p><b>Timeframes:</b> You can expect to receive a decision within 10 working days of the date of receipt of your appeal.</p>
c) You have evidence that the penalty is disproportionate to the breach.	<p><b>Appeal upheld</b> – resulting in either:</p> <p>a) Sanction(s) reduced or amended</p> <p>b) Sanction(s) removed and no further action taken.</p> <p>An outcome may be applied as an alternative to a sanction.</p> <p><b>Appeal not upheld:</b> No change to the sanction(s).</p> <p><b>Timeframes:</b> You can expect to receive a decision within 10 working days of the date of receipt of your appeal.</p>

Giv. Appeals are normally considered by a manager within the Assessment, Awards and Compliance team in Student and Academic Administration Service. On receipt of all appeals, an initial assessment will confirm whether grounds have been identified and evidenced. Clarification and/or additional information may be requested from you if necessary and this may extend the timeframe for considering your appeal.

Gv. Where no grounds are evidenced: The appeal will not be progressed and you will be notified of this decision.

Gvi. Where grounds are evidenced: The information you have offered will be reviewed to decide if the appeal can be upheld not.

Gvii. Where a new disciplinary is required, the appointment will be arranged at the earliest opportunity, taking into account the minimum notice period for students, as described in Sections C, D and E above.

Gviii. In all appeals, the decision of the Assessment, Awards and Compliance manager is final.

Gix. **External Redress – Office of the Independent Adjudicator**: You will be provided with a Completion of Procedures letter when the internal appeal procedure is exhausted, explaining your right to appeal to the Office of the Independent Adjudicator should you not be content with the outcome of the internal appeal. Information about the OIA can be found online: [www.oiahe.org.uk](http://www.oiahe.org.uk).

POLICY SCHEDULE	
Policy title	Student Code of Conduct
Service responsible	Student Academic and Administration Service (SAAS)
Policy lead contact (operational)	Justine Bigland, Assessment, Awards and Compliance Manager, SAAS
Approving body	Academic Board
Date of first approval	July 2007 (for University of Cumbria)
Date of implementation	1 <sup>st</sup> August 2007
Version no.	V9 2020-21
Related Procedures	Disciplinary Procedure
Amendments approved and implemented	September 2017 (triennial review; to be noted by Academic Board Autumn 2017) August 2016 (noted by Academic Board Autumn 2016); September 2015; September 2014; September 2013 (triennial review); September 2012; September 2011; September 2010; February 2010; September 2009; August 2008.
Review interval	3 years

#### Revisions:

September 2017	<p>Triennial review:</p> <ul style="list-style-type: none"> <li>• Changed name to Disciplinary Procedure from Adjudication to better reflect the procedure intentions and be more recognisable for students.</li> <li>• Re-presentation of the individual elements of the Codes for better clarity for students.</li> <li>• Language used modified to be more user friendly and 'guidance' information removed to the web for better access for students.</li> </ul>
August 2016	<p>Minor refinement of text for better clarity.</p> <ul style="list-style-type: none"> <li>• Introduction of the Health and Conduct Committee, replacing the Disciplinary Hearing. The Committee considers serious complaints about conduct as well as considers reports from a Professional Practice Case Conference regarding either conduct (existing process renamed) or complex health for students enrolled on professional, statutory or regulatory body programmes (new).</li> <li>• Disciplinary Officer renamed 'Disciplinary Officer' to better reflect the role and to be applicable to health and disciplinary-related Health and Conduct Committees.</li> </ul>
March 2016:	<ul style="list-style-type: none"> <li>• Inclusion of reference to PREVENT – reflecting legislative changes and the University's responsibilities under the Counter Terrorism and Security Act 2015.</li> </ul>
September 2015:	<ul style="list-style-type: none"> <li>• Revised information ref: <ul style="list-style-type: none"> <li>○ sanctions to include and differentiate from outcomes</li> <li>○ Clarification regarding the extent of deregistration and whether or not the student may apply to return to their course, or a new one, in the future.</li> </ul> </li> <li>• Replaced reference to Faculty with Deanery and/or academic department(s)</li> </ul>
September 2014:	<ul style="list-style-type: none"> <li>• Replaced UK Border Agency with new title, UK Visas and Immigration.</li> <li>• Clarified suspensions where external investigations are required.</li> <li>• Addition of Code B3.1 relating to the national Teaching Standards.</li> </ul>
September 2013:	<p>Triennial review: following consultation with Disciplinary Officers and the Students' Union:</p> <ul style="list-style-type: none"> <li>• Replaced 'registered' for 'enrolled' within scope.</li> <li>• Updated role titles, procedure titles and web addresses</li> <li>• Added references throughout to UK Border Agency regulations and reporting requirements.</li> <li>• Further clarified information regarding the student being accompanied to a Disciplinary.</li> <li>• Broadened codes to better incorporate eg: misuse of illegal substances, provision of fraudulent information when making claim for expenses.</li> <li>• Updated references to the Students' Union.</li> </ul>
September 2012:	<ul style="list-style-type: none"> <li>• Clarified process of appeals for each method of Disciplinary and increased scope of appeals against Fixed Penalty Notices.</li> <li>• Clarified information regarding the student being accompanied to a Disciplinary</li> <li>• Updated role titles, procedure titles and web addresses.</li> </ul>

Printed copies of the policy and procedure are uncontrolled and cannot be guaranteed to constitute the current version of the policy. Please refer to the web version: [www.cumbria.ac.uk/studentconduct](http://www.cumbria.ac.uk/studentconduct)

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