STUDENT CONDUCT AND DISCIPLINE RULES, 2024-25

1 Introduction

1.1 Statement of Student Conduct – as a Middlesex student, you are expected to conduct yourself at all times in a manner which demonstrates respect for the University, your fellow students and its staff. You are an ambassador for the University, and you are expected to behave in a way that enhances the reputation of the University and all of its students and graduates, and that is sensitive to our culturally diverse environment. You are encouraged, with the support of the University, to engage actively in the learning process, to be fully committed to your studies and determined to succeed.

1.2 This policy describes the process the University uses for dealing with incidents of misconduct. Within the rules, types of misconduct and consequences are described as is the warning and sanction system.

2 Rationale for the Rules

2.1 These Rules are intended to provide fair and orderly procedures for maintaining reasonable student conduct and behaviour whilst enrolled at the University. The rules and regulations of the University, which require students to conduct themselves appropriately and enable the University to discipline students in the event of misconduct, form part of the terms of the contract between the parties which students become a party to on enrolment to the University.

2.2 These rules should also be read in conjunction with the Student Charter which sets out what a student can expect from the University; what the University expects from each student, and; what each student can expect from the Students' Union.

2.3 The Rules will be used so as to protect the right of all students to pursue argument, discussion and activities proper to their study in higher education. All students are encouraged to participate in debate and a wide range of activities, whether this is directly related to their own study programmes or to matters of wider community and public interest. Equally, all students are expected to respect the rights of others to study, to work and to participate freely in the life of the institution. This is consistent with the Mission Statement of the University, with the traditions of higher education, and with freedom of speech and association in a democratic society.

2.4 The University is committed to treating all students fairly and to not make presumptions prior to collating evidence. The University has regard to the various duties and obligations they have to all students, in particular applying the principles of natural justice i.e. the right to a fair hearing before an impartial decision-maker. Only will a matter warrant a disciplinary panel where there is sufficient and appropriate evidence.

2.5 It is the intention of these Rules to encourage the development of mutual respect between all members of the university community. To this end, it is important that students exercise their rights responsibly and with respect for others, and so contribute to the orderly running of the institution as a whole. This is the context in which these rules and procedures should be read and used.

2.6 The Rules are set out in clear stages so as to be a guide to students and to staff. Except in the case of serious offences, the penalties are intended to operate as a series of warnings, with the authority to suspend or expel a student from the University being reserved to the Director of Governance (or nominee) (or nominee).

2.7 The Student Conduct and Discipline rules operate within the Care and Concern procedure which is the mechanism for channelling non-academic concerns regarding a student.

3 Types of Student Misconduct and Consequences

3.1 The table below sets out the types of behaviours which the University defines as non-academic misconduct. These are separated into misconduct against the University, misconduct against property, misconduct against a person, and misconduct against the community. The behaviours listed in the table are not exhaustive.

3.2 Section F of the University's Regulations refers to Academic Integrity and Misconduct.

3.3 The University uses a system of sanctions (warning points) ranging from 0-4 to quantify the level of consequence as a result of the misconduct. The final column in the below table gives an indication of the range of the number of warning points such a behaviour is likely to carry. The number of warning points indicated next to the behaviour is for guidance purposes only as an indication to the gravity of the misconduct. Section 9 provides further information on the warning system.

3.4 Table of types of misconduct and consequences

Misconduct against the University		
Type of Misconduct	**Example of Misconduct**	**Level of Warning**
Obstruction of the working of the University	• Acts/omissions/statements intended to deceive the University (e.g. withholding information required for statutory purposes) • Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University • Disruption of the workings of the University: ○ Administrative (e.g. refusal to present a student ID card when requested by an employee of the University or misuse of a student ID card ○ Breach of Tenancy agreement within a Halls of Residence e.g. unaccompanied guest ○ Breach of exclusion/suspension conditions ○ Academic (e.g. disruption of teaching or learning environment through the usage of a mobile phone) ○ Sporting and Social (e.g. disruption at an MDX House event)	0-2 0-4 0-2 0-4 0-4 0-4 0-4
Reputational Damage	• Behaviour which could have damaged the reputation of the University or could have brought the University into disrepute (e.g. Anti-social behaviour within the community) • Behaviour which has damaged the reputation of the University or brought the University into disrepute	0-2 2-4
Deceitful Behaviour	• Fraud/attempted fraud, bribery, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or	0-4

	in relation to being a student of the University • Knowingly making a false and vexatious allegation against the University or against any student or staff member • Use or issue of fraudulent documentation relating to qualifications and academic performance • Use or issue of fraudulent documentation NOT relating to qualifications or academic performance • Blackmail or attempted blackmail	 2 3 4 4

Misconduct against Property		
Type of Misconduct	**Example of Misconduct**	**Level of Warning**
Damage to Property	Causing damage or defacement to University of associated property or the property of students, employees or visitors to the University, caused by • Misuse/inappropriate use of property • Negligence • Reckless behaviour • Intentional behaviour	 0-1 1-2 2-3 3-4
Unauthorised or Inappropriate Use of Property	• Misuse of University premises or property, for example, using a computer lab for a social gathering • Unauthorised use of/entry onto University premises or property, including computers and laboratory equipment • Unauthorised recording of a learning activity (see regulations C16 UG and C15 PG) • Unauthorised publication of a recorded activity (e.g. on YouTube, Facebook etc.) including malicious or defamatory comment • False activation of a fire alarm • Deliberate misuse of the University computer network, e.g. hacking • Unauthorised use of intellectual property • Infringement of copyright materials (e.g. selling or uploading materials to an essay mill)	0-2 0-2 1 3 3 3-4 2-4 2-4
Taking of Property	• Taking property belonging to another person without permission • Stealing personal property, excluding cash • Stealing cash and goods • Repeated act of stealing	1-2 2 3 4
Causing a Health or Safety Concern	• Act/omission that did cause or could have caused a health and safety concern on University premises (for example, smoking cigarettes in non-designated areas) • Act/omission that did cause or could have caused serious harm, injury or impairment of safety on University premises or during University activities (for example, disabling fire extinguishers, or covering up a smoke detector) • Possession of an object which may cause harm, alarm and/or distress, including offensive weapons	1-4 2-4 2-4

	e.g. knife, pepper spray, gun, all replicas and any object adapted for such purpose, such as the use of acid in a water pistol or a snooker ball. Note, possession is irrespective of intent to harm	
Illegal Substances	• Consumption of and/or possession of illegal substances or associated paraphernalia on University premises or within Halls of Residence • Dealing illegal substances on University premises or within a Halls of Residence, or outside of the University premises whilst a registered student	0-2 4

Misconduct against People		
Type of Misconduct	**Example of Misconduct**	**Level of Warning**
Physical Misconduct	• Pushing and/or shoving • Shoving • Punching • Kicking • Slapping • Pulling hair • Biting The above includes where actions have been motivated for self-defence reasons though this may be taken into account as a mitigating factor when considering sanctions	0-1 0-1 2-4 2-4 2-4 2-4 2-4
Abusive Behaviour	• Use of inappropriate (violent, aggressive, abusive, threatening, defamatory or offensive language, directly or indirectly or online • Sending inappropriate messages by email, text or on social media • Acts of stalking, including following a person, watching or spying on them or forcing contact directly, indirectly or online • Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person • Any form of harassment* directly, indirectly or online, including acting in an intimidating and hostile manner • Any form of repeated harassment in writing, by email, via the internet (including social media) or otherwise • Threats to hurt another person, directly, indirectly or online • Abusive comments relating to an individual's sexual orientation, religion or age, directly or indirectly or online • Intimidation: verbal or physical, directly, indirectly or online	0-2 0-2 1-3 1-3 2-4 4 2-4 2-4 3
Sexual Misconduct	• Making unwanted remarks of a sexual nature, directly, indirectly or online • Inappropriately showing naked or semi-naked images to another person, for example, via social media • Intimate contact without consent (e.g. kissing, touching, invading another's personal space)	0-2 1-2 1-2

	• Indecent public exposure (flashing) • Sharing sexualised materials of another person (whether fully naked or not) without consent, directly, indirectly or online • Sexual harassment, stalking or persecution (virtual or real) of someone with unwanted and obsessive attention • Bullying behaviour (physical or non-physical) based on a person's sexuality or gender, directly, indirectly or online • Attempted sexual assault or rape • Sexual assault • Sexual intercourse or engaging in a sexual act without consent	2-4 3-4 2-4 4 4 4 4

*harassment – unwanted conduct which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Misconduct against the Community		
Type of Misconduct	**Example of Misconduct**	**Level of Warning**
Antisocial Behaviour on Campus	• Smoking/E-smoking on University premises, other than in designated smoking areas • Consumption of alcohol in a teaching/learning environment unless explicit permission has been granted (e.g. as part of a private viewing or event) • Excessive printing or copying, or other unauthorized use of printing or copying facilities as outlined in the *Printing and Photocopying policy and guidance for students*	1 1 1
Antisocial Behaviour within a Halls of Residence	• Inconsiderate behaviour towards others within a Halls of Residence, which may include behaviour e.g. nitrous oxide, which impacts negatively on other residents • Noise nuisance such as playing loud music or slamming doors (within a Halls of Residence) • Offensive or disruptive behaviour within a Halls of Residence • Repeated antisocial behaviour within a Halls of Residence	0-2 0-2 0-2 2-4
Antisocial Behaviour in any Location	• Environmental damage including littering, dumping of rubbish, inappropriate usage of bins, fly-tipping • Inconsiderate or inappropriate use of vehicles, including inconsiderate parking, tailgating into the car park and vehicle noise • Misuse of fireworks • Repeated inconsiderate behaviour towards others, including parking	0-2 0-2 2 2-4

3.5 Penalties are determined depending upon the gravity of the case and/or the ongoing nature of the misconduct. The greater the severity of the misconduct, the greater the number of warning points and the greater the severity of the penalty. The

range of penalties available include: a formal warning, restrictions/conditions, a written apology, suspension or expulsion.

3.6 Where a student is enrolled on a programme leading directly to a professional qualification or to the right to practice a particular profession or calling, any conduct which renders that student a person not fit to be admitted to and practice that profession or calling is deemed to be misconduct.

Please note: for some professional programmes there are separate 'Fitness for Practice' panels which consider this issue and which work in conjunction with these regulations. Delegated authority is given to professional leads which are in a position to make professional standard judgements and undertake an appropriate risk assessment.

3.7 Students shall update on UniHub their term time and permanent addresses within seven days of any change to those addresses. They should also inform the UniHelp desk should they depart the University before the scheduled end of their programme.

4 Rationale and Scope of the Rules on Student Conduct and Discipline

4.1 In the exercise of the powers conferred upon it under 7.2 (b) of the Articles of Government made on 2 August 2021 the Board of Governors oversees the Rules in this document concerning the conduct and discipline of students. Action taken under these Rules shall supersede any action taken under any other rules relating to the conduct of those enrolled with the University.

4.2 Students accept, subject to their signed agreement as part of the enrolment process each year, that they will comply with:

- the Articles of Government for Middlesex University as for the time being in force (a copy may be seen on application to the Clerk to the Board);
- the code of conduct, the rules for discipline, or such other lawful regulations or directions, as may at any time be made or given by or on behalf of the Board of Governors or the Vice-Chancellor with reference to the conduct or management of the University, being regulations or directions, either notified to the student individually or displayed within the University wherever general notices to students are usually displayed.

4.3 Students shall observe all lawful regulations or directions in relation to their attendance and their studies which may be made or given by staff of the University acting by authority of the Vice-Chancellor. Breach of the provisions of the Policies, Codes, Rules and Regulations of the University or failure to comply with a previously-imposed warning under this Code or any other Policies, Codes, Rules and Regulations of the University will result in disciplinary action.

4.4 Students shall observe all lawful regulations or directions in relation to the effective organisation and management of the University, which may be made or given by staff of or contractors to the University acting by authority of the Vice-Chancellor (for example, regulations or directions in relation to safety, car parking, the occupancy of residential accommodation, the use of the library, the use of facilities for computing, sport, refreshments, entertainment events and the payment of fees and charges).

4.5 The conduct covered within these Rules shall constitute misconduct if it takes place on University property or premises or elsewhere if the student concerned was involved in a University activity, was representing the University or was present at that

place by virtue of their status as a student of the University, including any work placement.

4.6 It shall also constitute misconduct in any location whatsoever if the actions bring the good name of the University into disrepute.

4.7 The Student Conduct and Discipline rules extend to alleged misconduct by a student occurring on or off university premises (including via social media) where the alleged victim is the University itself, a student or employee of the University or others visiting, working or studying at the University and to alleged misconduct occurring during university activities (including placements and field trips).

4.8 The University is committed to putting in place measures to ensure students are dealt with fairly and impartially. Part of this commitment includes the ability to bring representation to meetings under this policy, and our commitment to enable students to continue with their studies wherever possible.

4.9 This policy/procedure relates to all Middlesex University provision at our London and overseas campuses. The principles will apply in all cases but where appropriate local structures and requirements will be agreed as exceptions to operational practice.

4.10 **Definitions**

(a) 'Suspension' is a temporary precautionary measure that refers to forbidding attendance at/or access to any parts of the University (including Halls of Residence) and any participation in University activities. The suspension may be subject to qualification, such as permission to attend for the purpose of assessment. The exact details of the exclusion would be specified in writing.
(b) 'Exclusion' involves selective restriction on attendance at, or access to the University, or forbidding carrying out the functions or duties of any office or committee membership in the University or the Students' Union. The exact details of the exclusion would be specified in writing.
(c) 'Expulsion' involves the permanent withdrawal of the student from all activities concerned with the University.
(d) 'Risk Assessment' an assessment carried out in accordance with section 4.13 below, to evaluate what if any risks there might be in allowing a former student to be readmitted to the University for any course offered by the University.

(e) 'Reporting' student refers to the person who reports the alleged breach of the Student Conduct and Discipline rules.

(f) 'Reported' student refers to the person who is alleged to have breached the Student Conduct and Discipline rules.

4.11 **Evidence**

Evidence is:
(a) any statements and other supporting information received from the reporting student(s);
(b) any statements and other supporting information received from the reported student(s);
(c) any statements and other supporting information received from other witnesses.

Normally unless the reporting student objects, their evidence will be shared with the reported student. If the reporting student does not wish to have their evidence shared, the University will respect that decision and it would be viewed as an anonymous report which may affect the investigation and the outcome.

We do not consider character references as evidence.

If the matter has been referred to the police, the reporting student should provide their crime reference number or CAD number within 10 working days of reporting the incident, to the University. The reporting student should keep the University updated on the police investigation.

Failure to provide the requested information may result in the University being unable to investigate the alleged non-academic misconduct. It is the responsibility of the reporting student to co-operate fully with the University.

4.12 Timeliness

The University will normally conclude the alleged non-academic misconduct within 90 calendar days of the start of the investigation stage.

4.13 Readmission Risk Assessment

(a) The Director of Governance (or nominee) will identify appropriate panel of staff to carry out the Risk Assessment.
(b) The panel's evaluation will take into account all information that it considers is relevant to the Risk Assessment, including how serious the pervious misconduct was. The panel may request meeting with the former student, and/or other relevant individuals. The panel may decide the following outcomes when it has completed the Risk Assessment:

- Conclude that there is no risk to the applicant being readmitted;
- Reject the student's application for admission based on the assessed risk(s) to admission, and the conclusion that the risks cannot be adequately managed if the student was readmitted. Such a decision is final;
- Conclude that there are risks, but that the student may be readmitted taking into account actions that the University can take to manage the risk.

The Disciplinary process

Stage 1: Early Resolution and Reporting

- Misconduct resolved at local level by member of staff (by sanctioning a penalty of 0 warning points, i.e. a warning letter.
- If resolution at local level is not possible or inappropriate, the misconduct is reported to the Investigatory team or to Care & Concern.

Stage 2: Investigation

- The Investigatory team gathers evidence (e.g. written statements, reports, emails).
- Student may attend an investigatory meeting to answer questions and present their version of events.
- The Director of Governance (or nominee) considers the evidence and determines the following:

- To take no further action;
- To issue a written warning, including sanctions;
- To order the making good or restitution of damage or loss;
- To exclude or suspend, pending further investigation;
- To set up a disciplinary panel.

Stage 3: Disciplinary Panel

- Student is advised in writing to attend a disciplinary hearing in front of a panel to answer questions about the alleged misconduct and give an account of their version of events.
- Student has the right to be accompanied by a student or staff member or a member of the Students' Union.
- The panel considers all evidence presented before them to decide if:
  - To take no further action;
  - To issue a written warning, including sanctions;
  - To order the making good or restitution of damage or loss;
  - To exclude or suspend the student;
  - Where 4 or more warning points have been reached or exceeded, a ~~verdict~~ decision of suspension or expulsion to be reached.

Stage 4: Appeal

- Student has the right to appeal to the Vice-Chancellor *(or nominee*) within 10 working days if aggrieved by the verdict made by the disciplinary panel; the decision to suspend or exclude, or by an order to make good of damage or loss.
- The Vice-Chancellor *(or nominee)* will consider the case.
- The verdict of the Vice-Chancellor *(or nominee)* ends the University's internal procedures. At this point, the student will be issued with a Completion of Procedures letter, which allows recourse to the Office of Independent Adjudicator (OIA).

Stage 1: Early Resolution and Reporting

5.1 Where a student engages in any activity which may constitute misconduct under the University's Student Conduct and Discipline rules, the following procedures shall apply.

5.2 Where issues concerning student conduct and behaviour arise in the day to day running of the University, where possible, these issues are to be resolved at a local level by a member of staff or a contractor normally within 10 working days of the date of the incident. For example, in relation to the running of the Halls of Residence, clauses 27 and 28 of the Terms and Conditions of Residence set out how such issues will be dealt with at a local level.

5.3 With respect to student conduct and behaviour in a learning or teaching environment, appropriate senior managers are empowered to issue a written warning (0 warning points). Senior managers do not have the authority to impose sanctions greater than 0 warning points.

5.4 If it is not possible and/or appropriate to deal with an issue at a local level or the issue concerns misconduct which appears to be actually or potentially serious i.e. is

deemed to warrant a sanction greater than 0 warning points (Written Warning), the matter shall be reported to the attention of the Investigatory team or referred through the Care and Concern procedure.

5.5 If a concern is reported to the Investigatory team or referred through the Care and Concern procedure, the student will normally be informed of this.

5.6 Dependent on the nature of the concern and the information available, a decision will be made by the Director of Governance (or nominee) on whether or not to exclude or suspend the student pending further investigation. A risk-based approach may be used to inform this decision.

5.7 The University is committed, where possible, to ensuring students can remain engaged in their studies whilst disciplinary proceedings are ongoing.

5.8 The University will consider any reasonable adjustments for investigatory meetings and disciplinary hearings provided by the student not less than 24 hours prior to the meeting.

5.9 Suspension/Exclusion is most likely to be used only if the seriousness of the case warrants it.

5.10 A student who is suspended or excluded during a University investigation into their conduct, will have the opportunity to attend a suspension/exclusion review meeting. The panel will not normally enter discussion about the substantive nature of the allegation with the student as this will be reserved for the Investigation stage of the Disciplinary process. A suspension/exclusion review meeting, will normally take place within 5 working days from the date of their suspension/exclusion. In addition, the student may at any stage, request a review of the suspension/exclusion decision by the Director of Governance (or nominee) if there is a material change in circumstances.

5.11 At a suspension/exclusion review meeting, the panel will consider:

- any relevant reports, documents and records;
- the student's response to the allegation;
- any relevant witness statements; and
- the seriousness (and frequency) of misconduct.

It is the panel's responsibility to determine the outcome of the suspension/exclusion review meeting and to decide one or more of the following options:

- to lift suspension and take no further action;
- to lift the suspension and impose exclusion conditions;
- to keep the suspension/exclusion conditions in place, pending further investigation;
- to progress to a disciplinary hearing.

A risk-based approach may be used to inform any of the above outcomes.

5.12 Should the student choose not to attend, the review panel shall continue in the student's absence. The Director of Governance (or nominee) will contact the student in writing thereafter regarding the panel's decision.

5.13 When a concern is reported, the Investigatory team will progress the disciplinary process to Stage 2 and commence investigatory proceedings.

6 Stage 2: Investigation

6.1 The Investigatory team will commence the investigation stage which constitutes gathering information and collating evidence relating to the allegation ofmisconduct.

6.2 Evidence is likely to be, but not exclusively, in the form of a written statement from the reported party/parties; statements from other parties, for example, from a member of staff; reports from, for example, Halls of Residence or Security; other forms of evidence, such as CCTV footage, emails, text messages, messaging on social media, mobile phone screenshots. In addition, a student may be invited to attend an investigatory meeting where they will be asked questions relating to the alleged misconduct and provided the opportunity to present their version of events.

6.3 In the absence of a written statement from the reporting party and/or where permission to share a statement with other parties has not been given, the investigation can proceed on the basis of the evidence that is available. At the investigatory meeting, the investigatory officers may pose questions based on the available evidence (i.e. a statement that has not been shared). The reporting party will be advised that in them not consenting in sharing a statement that the investigation may be impaired to a degree.

Depending upon the severity of the case, investigations would normally be completed within 8 weeks. Parties will be updated if the timescale cannot be adhered to.

6.4 If an investigatory meeting is required, the student will be requested in writing to attend. The purpose of the investigatory meeting is for the student to answer questions pertaining to the alleged misconduct.

6.5 The reported student will normally be given 5 working days' notice of a meeting. If they fail to respond and/or attend the meeting without good reason, consideration will be given to reschedule the meeting. If the student continues not to engage with the process, they must be aware the investigation will continue and a decision on the case will be reached absent their involvement.

6.6 At an investigatory meeting, students are entitled to be accompanied by a student or staff member of the University or a Students' Union representative. Legal representation is not permitted.

6.7 On conclusion of the investigatory proceedings, the Director of Governance (or nominee) shall consider the gravity of misconduct and determine the following:

- To take no further action;
- To issue a written warning including sanctions;
- To order the making good or restitution of damage or loss i.e. to impose a fine;
- To exclude or suspend the student;
- To set up a disciplinary panel.

A risk-based approach may be used to inform any of the above outcomes.

6.8 The student will normally be informed of the decision within 5 working days of the date of the meeting.

6.9 Further breaches of the Student Conduct & Discipline rules will be considered at a Disciplinary Panel.

6.9 Meetings are not normally recorded. Should a recording of the meeting be required, it may take place with the consent of all attendees.

7 Stage 3: Disciplinary Panel

7.1 A disciplinary panel is a meeting whereby a student will be required to discuss allegations against them in front of a panel and answer questions relating to the allegation of misconduct.

7.2 The panel will be made up of stakeholders with the suitable expertise to fairly, impartially and carefully consider the case and will be comprised as follows:

- Departmental representative
- Independent representative (i.e. someone who is neither known to the student or the case)
- A Students' Union appointed student representative
- Chair (Director of Student Affairs *or nominee*).

7.3 The student will have the opportunity to present their version of events and commenton documentary evidence presented to them by the panel.

7.4 At any disciplinary panel, students are entitled to be accompanied by a student or staff member of the University or a Students' Union representative. Any other representation is not normally allowed except if with express permission by the Chair of the disciplinary panel not less than 24 hours prior to the meeting. Legal representation is not normally permitted.

7.5 The student will be advised in writing of his or her requirement to attend a disciplinary panel and will normally be given 5 working days prior notice.

7.6 The student will have the opportunity to address the panel through a formal written statement in which the student will specifically address the allegations presented against the student.

7.7 At the disciplinary panel, the panel will consider:

- the evidence presented before them;
- the student's response to the allegation;
- any witness statements, including those provided to the panel in person;
- and, the gravity (and frequency) of misconduct.

It is the panel's responsibility to determine the outcome of the disciplinary hearing and to decide one or more of the following options:

- To take no further action;
- To issue a written warning including sanctions;
- To order the making good or restitution of damage or loss
- To exclude or suspend the student;
- To revoke Alumni benefits;
- To expel the student.

A risk-based approach may be used to inform any of the above outcomes.

7.8 The student will normally be informed of the panel's decision within 5 working days of the disciplinary hearing.

7.9 Should the student choose not to attend the panel they have the right to provide representation in the form of a written statement.

7.10 Should the student choose not to attend, the disciplinary panel shall continue in the student's absence. The Director of Governance (or nominee) will contact the student in writing thereafter regarding the panel's decision.

7.11 Meetings are not normally recorded. Should a recording of the meeting be required, it may take place with the consent of all attendees.

8 Stage 4: Appeal

8.1 The student shall have the right of appeal to the Vice-Chancellor (or nominee) by submitting their appeal in writing within 10 working days, giving the grounds for the appeal, if:

- The student is aggrieved by the decision reached at the investigatory stage (see section 6.5);
- The student is aggrieved by the panel's decision from a disciplinary hearing (see section 7.7);
- The student is aggrieved by the decision to suspend or exclude (see section 5.11);
- The student considers that the procedures were not followed properly;
- The student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
- There is bias or reasonable perception of bias during the procedure.

8.2 If the Vice Chancellor (or nominee) considers for any reason that the panel's decision needs to be referred back for further consideration (for example, student provides new material evidence or there is evidence of bias during the disciplinary procedures) the Vice Chancellor or nominee may refer the matter back to the Director of Student Affairs or nominee to consider the evidence and to decide whether or not it would result in a change to the outcome.

8.3 The Vice Chancellor (or nominee) may seek clarifications to enable them to make a decision on whether to uphold or amend the decision. The purpose of the clarifications would not be to consider any new evidence; it would be help the reviewer at the appeal stage to understand any information that exists that is not clearly understood by the reviewer.

8.4 Working day refers to a day on which the University is normally open: it does not include Saturday, Sunday, Bank Holidays or other designated periods of closure outside the academic terms.

8.5 The Vice-Chancellor (or nominee) shall consider the appeal and shall decide whether to uphold or amend the decision made. The decision of the Vice-Chancellor or nominee shall be final.

8.6 Following an appeal to the Vice-Chancellor (or nominee), these procedures are now complete, opening the way for the student to approach the Office of the Independent Adjudicator (OIA).

8.7 An appeal to the Office of the Independent Adjudicator should be made in writing to the address below within one year of the student receiving notification that the internal procedures of the University have been completed. They should enclose a copy of the final decision of the University and state the reasons for seeking redress from the Higher

Education Independent Adjudicator.

Email enquiries may be sent to enquiries@oiahe.org.uk. The website address is www.oiahe.org.uk.

8.8 At the conclusion of any disciplinary proceedings, the University will consider what information, if any, it would be appropriate to share with any other students involved in the case in accordance with our duties and obligations under data protection laws.

9 Warning Points System

9.1 Where a student's behaviour is being considered by the Director of Student Affairs, either at Stage 2: Investigation or Stage 3: Disciplinary hearing, then warning points may be used as a penalty (either alone or in combination with other penalties), if considered reasonable and proportionate in the circumstances. Warnings, where considered appropriate, are recorded according to the seriousness and nature of the behaviour. There is no requirement that the University apply warnings where a warning is considered inappropriate to the circumstances and an alternative penalty is applied.

9.2 Offences, for the purpose of warnings, fall into different levels of seriousness classified on a four-point scale: minor — serious — grave — suspension/expulsion.

9.3 A guide to the type of warning which might be issued is provided in paragraph 3.4 'Table of types of misconduct and consequences'. However, this is only a guide and it is expected that the Director of Student Affairs will use their discretion and take into account the individual circumstances of each offence and vary the type of warning and/or penalty issued accordingly.

9.4 Warnings recorded remain on the student record for the duration of the student's enrolment at the University.

Accumulation of warnings

9.5 Each level of warning is scored on a 0 to 4 basis as follows:

Number of Warning Points:

0 Written
1 Minor
2 Serious
3 Grave
4 Suspension and/or Expulsion

9.6 Where the student has reached or exceeded 4 warning points on their student record, a decision about suspension, exclusion or expulsion must be made, and the student notified normally within two months after the most recent warning point is awarded.

Relationship with other penalties / warnings

9.7 The University, independent of these Rules, separately has financial and other penalties which may be imposed such as library fines, use of facilities for which a charge is made, refusal to provide information required by law, reimbursement for loss or damage to the University or personal property of staff, students or visitors, and whereby the use of facilities is regulated. Action taken by the University under those arrangements does not automatically, but may lead to reference to the Director of Student Affairs for consideration of a warning or for other action under the Rules on

Student Conduct and Discipline, any such warning to be additional to any of the foregoing penalties, charges or reimbursement.

9.8 The University may record the existence of warnings on any reference supplied.

9.9 In accordance with section 7.3 of Academic Policy Statement APS7 (Admissions policy), if an applicant has had previous study terminated as a result of misconduct, the University reserves the right to not consider their application to any programme of study.

10 Misconduct which is also a criminal offence

10.1 There may be instances where an alleged act of misconduct may also constitute a criminal offence.

10.2 The nature and scope of the University's internal disciplinary process and the nature and scope of a criminal process are fundamentally different. It is important to maintain a clear distinction between them:

- Under the criminal process, the allegations will be treated as a potential criminal offence; under the disciplinary process, the allegations will be treated as a potential breach of discipline.
- The criminal process is an external procedure. It deals with allegations that a student has committed a criminal act. The allegation has to be proven beyond reasonable doubt. A judge can impose a wide range of sanctions on an individual who is found to have committed a criminal offence, the most serious sanction being imprisonment.
- The internal disciplinary process is a civil matter conducted internally at the University. It is based upon an allegation that a student has breached the University's rules and regulations. The allegation has to be proven on the balance of probabilities. The most serious sanction that can be applied is permanent expulsion from the University.
- Any adverse finding in the criminal process could result in the student having a criminal record and that subsequently could have a serious detrimental effect on the future of the individual concerned at the University.

10.3 The criminal process takes priority. If the matter is being dealt with under the criminal process, then save for taking any necessary precautionary action, the disciplinary process will be suspended until the criminal process is at an end. In that way, the disciplinary process does not duplicate the criminal process.

10.4 If the matter is not being dealt with under the criminal process or where the criminal process has concluded, then the University will consider whether a breach of discipline has occurred and, if so, will consider the matter through the University's Student Conduct and Discipline procedure.

11 Procedures for Misconduct which may constitute a criminal offence

Reporting Incidents

11.1 Anyone can make a report of criminal activity to the police. Where the victim of a criminal offence is the reporting student the University will usually consider the decision to report a criminal offence is a matter for the reporting student.

It is not the responsibility of the University to inform a student about a police investigation.

Precautionary Measures

11.2 Where an offence under criminal law is reported to the University, action under this Code will be deferred pending any police investigation (the student will be required to provide the University with a written update of any police investigation) or prosecution save for taking any necessary precautionary measures:

- to ensure that a full and proper investigation can be carried out (either by police or a University investigator); and/or
- to protect the reporting student or others while the allegation is being dealt with as part of a criminal process or a disciplinary process.

Such precautionary measures would be considered by the University at the point at which the reported student is made aware that a police investigation is being pursued. These measures would remain in place whilst the police investigation is ongoing.

11.3 Precautionary measures may be put in place if they are reasonable and proportionate and may include:

- Imposing conditions on the accused student (for example, requiring the accused student not to contact the reporting student and/or certain witnesses and/or requiring the accused student to move accommodation)
- Suspending the accused student from his/her studies on a full, qualified or partial basis
- Excluding the accused student (for example, prohibiting the accused student from going to certain accommodation blocks or using the sports facilities or from attending a placement).

11.4 The university has the right to review a case if no information has been forthcoming from the student and/or the police regarding the progress of the case. The University may come to a conclusion based on the evidence available.

Criminal Investigation/Prosecution

11.5 Where the offence under criminal law is reported to the police, action under this Code will be deferred pending any police investigation or prosecution. Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any warning points under this Code. A risk-based approach may be used to assess whether or a student may return to study.

Disciplinary Investigation/Charge

11.6 If the reporting student will not report the matter to the police or will not co-operate in their enquiries or the accused student is acquitted following criminal process, the University will consider the matter as a potential breach of student conduct and will consider sanctions. Only in exceptional circumstances will the University report an alleged crime to the police contrary to the wishes of the reporting student.

11.7 Depending on the nature of the concern, the University will refer the misconduct which constitutes a criminal offence to the police.

11.8 Sanctions for misconduct involving an illegal act include the following:

- Consumption of and/or possession of illegal substances on University premises or within a Halls of Residence (0-2 Warning Points)

- Dealing illegal substances on University premises or within a Halls of Residence (4Warning Points).

Supporting Students

11.9 The University will make available appropriate assistance and relevant information and support to all students involved in disciplinary matters which may constitute a criminal offence, from the time when the incident is first reported to the University up until the time when the relevant criminal and/or disciplinary process has been concluded and in some cases, beyond that.

11.10 In cases involving allegations made by one student against another student, the University will afford the same duties and obligations to both students to ensure both are treated fairly. Due regard will be taken to, for example, exercise a duty of care, apply the principles of naturaljustice i.e. the right to a fair hearing before an impartial decision-maker, comply with equality law duties and uphold human rights.

11.11 It is the University's priority to ensure, where possible, that the disciplinary process does not impinge a student's academic studies. This may mean, for example, the implementation of no-go areas on the University campus, in place of suspending a student.

11.12 Advice and support is available to all students involved in disciplinary matters, in which they may reach out to the University's Student Support, such as the Students' Union and the Counselling and Mental Health service. Full information on the Support & Wellbeing services offered by the University can be found in UniHub https://unihulb.mdx.ac.uk/support.