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**STUDENT CODE OF DISCIPLINE**

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**Appendix A – Leeds Beckett University Student Code of Behaviour**

## **STUDENT CODE OF DISCIPLINE**

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This code forms part of the University's Student Code of Behaviour within the wider student regulatory framework, which is summarised and provided to you as part of your initial and annual enrolment process.

The code is divided into two parts. Part A sets out the standards of conduct expected of you as a University student and other general information relating to discipline. Part B sets out the University's procedures for dealing with disciplinary matters.

### **INTRODUCTION – BASIS OF AUTHORITY**

This code has been created in accordance with the University's Articles of Government and forms part of every student's contract with the University.

Article 12.2 requires the Board of Governors, after consultation with the Academic Board and representatives of the students, to make rules with respect to the conduct of students, including procedures for suspension and expulsion.

According to Article 3.2(g), the Vice Chancellor is responsible for the maintenance of student discipline within the rules and procedures provided for within the Articles. In particular it is the Vice Chancellor's responsibility to suspend or expel students on disciplinary grounds and to implement decisions.

Under this code, the Vice Chancellor may delegate authority to act on disciplinary matters to nominated members of University staff.

### **PART A – EXPECTED STANDARDS OF CONDUCT**

#### **1. Statement of student conduct**

- 1.1 The University is committed to providing a high quality learning and teaching experience for all students. This can only be achieved if members of the University community live and work beside each other in an environment which promotes respect.
- 1.2 Students of the University are expected to conduct themselves at all times in a manner which demonstrates respect for the University, its students and staff, and members of the wider community. Every student is an ambassador for the University and, accordingly, is expected to behave in a way that enhances its reputation.
- 1.3 This code applies to all registered students of the University, both undergraduate and postgraduate. Students on placement are bound by this code and by the placement employer's rules on conduct.
- 1.4 This code is made available to all students at enrolment, as part of the student contract. In completing the annual online declaration, students confirm receipt and acceptance of the University regulations as part of their contract with the University.
- 1.5 From time to time the University adopts new or amended policies, codes and regulations. All students of the University have a responsibility to make themselves familiar with those which have a bearing on their conduct as students of the University.

1.6 Copies of this code and other University regulations are available from the Secretary and Registrar's Office and online at [www.leedsbeckett.ac.uk/studentregs](http://www.leedsbeckett.ac.uk/studentregs).

## **2. Definition of misconduct**

2.1 Misconduct is defined as:

2.1.1 improper interference, in its broadest sense, with the functioning or activities of the University or those who work or study in the University; and/or

2.1.2 action or a failure to act which otherwise damages or may damage the University, or its good name or reputation or those who work or study in the University.

2.2 Where a student has permitted a visitor to access any part of the University premises (whether that visitor is also a member of the University or not) that student shall be regarded as responsible for the conduct of their visitor, while present as a visitor. That means that the student may be taken to be responsible under this code for the misconduct of their visitor, and for any damage caused by their visitor, as if the misconduct or damage were their own.

2.3 Misconduct which may be the subject of disciplinary action under Part B of this code includes, but is not limited to, the following:

2.3.1 Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;

2.3.2 Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the University or any visitor to the University;

2.3.3 Violent, indecent, disorderly, threatening, bullying or offensive behaviour or language, including harassment and unlawful discrimination;

2.3.4 Fraud, deceit, deception or dishonesty in relation to the University or its staff or in relation to being a student of the University;

2.3.5 Action which may cause injury or impair safety on University premises, including, but not limited to, disregard of any direction reasonably given by the University to a student for ensuring the protection of the health and/or safety of that student or others. Examples may include (but are not limited to):

2.3.5.1 interference with services or plant of the University or fabric including fire and smoke alarm systems and extinguishers;

2.3.5.2 smoking in any building;

2.3.5.3 failure to evacuate buildings during a fire alarm;

2.3.5.4 unauthorised parking; and

2.3.5.5 dropping or throwing objects from buildings.

- 2.3.6 Sexual, racial or other harassment of any student or member of staff of the University or any visitor to the University;
  - 2.3.7 Damage to, or defacement of, University property or the property of any student or member of staff of the University, or of a visitor to the University and any interference with or removal of such property without the consent of the owner;
  - 2.3.8 Misuse or unauthorised use of University premises or items of property;
  - 2.3.9 Conduct which may constitute a criminal offence irrespective of where that conduct took place;
  - 2.3.10 Any behaviour which may bring the University into disrepute irrespective of where that behaviour took place;
  - 2.3.11 Failure to comply with a reasonable request or instruction of the University;
  - 2.3.12 Failure to comply with a sanction previously imposed under this code or any other University regulation or policy;
  - 2.3.13 Conduct which breaches any University regulation and/or policy.
  - 2.3.14 Breach by a student of the terms of his or her registration contract with the University;
  - 2.3.15 Use of any unfair means in any examination or assessment procedure;
  - 2.3.16 Supply, possession, use or cultivation of any illegal drug or drugs, or any prescription drug or drugs which are not prescribed to that student;
  - 2.3.17 Making accusations against other students or staff which are not substantiated in whole or in part and where there are reasonable grounds to believe the accusations have been made maliciously or in bad faith;
  - 2.3.18 Loss or damage of University equipment;
  - 2.3.19 Inappropriate use of social media contrary to the Social Media Policy.
- 2.4 The conduct referred to in and covered by paragraphs 2.1 and 2.3 may fall within the scope of this code irrespective of whether or not the misconduct took place on University premises.

### **3. Other University regulations and legal remedies**

- 3.1 There may be a degree of overlap between this code and other University regulations or policies. A list of University policies and procedures that form the Student Code of Behaviour is provided at Appendix A.
- 3.2 Any action taken under this code is without prejudice to any legal remedies otherwise available to the University which may arise independently of this code.
- 3.3 Students should familiarise themselves with the University regulations and policies which may apply to them. The University will draw the regulations and policies in force each year to your attention prior to registration. A full list of these regulations

and policies is available from the Secretary and Registrar's Office and online at [www.leedsbeckett.ac.uk/studentregs](http://www.leedsbeckett.ac.uk/studentregs).

#### **4. Misconduct that may also constitute a civil or criminal offence**

- 4.1 The University retains absolute discretion to defer or suspend any disciplinary investigation or proceedings at any time where it believes that an investigation by the police or any other authority is ongoing or contemplated.
- 4.2 The University may report any civil or criminal offence allegedly committed by a student to the police or any other authority. The University may take into consideration the views of any victim before doing so but will not be bound by these views.

#### **5. Welfare of students and cases involving mental illness or other disability**

- 5.1 The University understands that, in the course of addressing cases of student discipline, issues relating to the student's wellbeing may arise. We will make reasonable efforts to ensure that these issues are handled with sensitivity.
- 5.2 It is accepted that some students may act in a way which could be construed as constituting misconduct because of a disability, whether physical or mental. If a student is aware that they have such disability they are encouraged to make it known to the Disability Advice Service as soon as possible; it is not necessary to wait until the disciplinary procedure is invoked.
- 5.3 The University has a *Protocol on Handling Cases of Alleged Student Misconduct in which Mental Illness may be a Factor*. This is available from the Secretary and Registrar's Office or online at [www.leedsbeckett.ac.uk/studentregs](http://www.leedsbeckett.ac.uk/studentregs).

#### **6. Right to representation**

- 6.1 Any student who finds themselves the subject of disciplinary proceedings may seek independent advice from the Students' Union Advice Service. Additional support and advice are available from the University's Student Wellbeing team.
- 6.2 Students have the right to be represented in disciplinary proceedings by a friend, relative or Students' Union representative. Representation by a lawyer or other paid adviser is not normally permitted.

#### **7. Confidentiality and Disclosure**

- 7.1 Information disclosed during or resulting from disciplinary proceedings is strictly confidential and should not be shared with any third party or any other staff and students.
- 7.2 The University expects that the student, any witnesses called by the student or the University, the student's representative and the University's staff will respect the sensitivity and confidentiality of the information disclosed during these proceedings and the right of other students and staff to raise issues of concern in good faith and without fear of recrimination.
- 7.3 The University expects that its staff and students will respect the sensitivity and confidentiality of issues relating to disciplinary cases and will respect the outcomes

and actions of a Disciplinary Panel determined on the basis of the facts and all available evidence.

- 7.4 Any failing of either University staff or students to respect the provisions relating to confidentiality and disclosure contained within this Code will be subject to separate disciplinary proceedings.
- 7.5 Where a present or former student has been required to withdraw from a course or has been set conditions for remaining on a course following disciplinary proceedings it would be relevant to disclose this in a reference where there is a specific question asking if the student had been subject to any disciplinary or Fitness to Practise procedures.
- 7.6 The University will retain a record of all student disciplinary cases, both those resolved informally and those which proceed to a Panel hearing in a secure, relevant filing system in accordance with the provisions outlined in the University's Record Retention Policy.
- 7.7 The University will collect aggregated data about student disciplinary cases and will submit a report to the relevant sub-committee of Academic Board at appropriate intervals for the purpose of quality assuring the operation of the Student Code of Discipline.

## **PART B – DISCIPLINARY PROCEDURE**

### **1. General principles**

- 1.1 The aim of this disciplinary procedure is to provide a framework within which the University can work with students to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 1.2 The University aims to ensure that any disciplinary matter is dealt with fairly, proportionately and with regard to the individual circumstances of each case.
- 1.3 In cases where the alleged offence or offences involve more than one student, the University may deal with all or any of the cases at the same time.
- 1.4 In cases of minor issues of misconduct, the University will normally seek to resolve disciplinary matters informally as set out in sections 2 and 3 below.
- 1.5 If the matter cannot be resolved informally or it is not appropriate to do so, the formal disciplinary procedure will apply as set out in section 4 below.
- 1.6 The student will usually have the right to appeal the outcome of the formal disciplinary procedure.
- 1.7 A student whose appeal has been rejected has the right to refer the matter to the Office of the Independent Adjudicator. Details of how to make an application are available from the Secretary and Registrar's Office or online at [www.oiahe.org.uk](http://www.oiahe.org.uk).

### **2. Informal procedure**

- 2.1 The purpose of the informal procedure is to deal with matters of discipline fairly and quickly and where the matter is suitable to be dealt with informally.
- 2.2 A disciplinary matter is capable of being dealt with under the informal procedure when:
  - 2.2.1 The matter is, in the reasonable opinion of the University, suitable to be dealt with in this way; and
  - 2.2.2 the student consents to the matter being dealt with in this way.
- 2.3 In determining whether the matter is suitable to be dealt with informally, the University will consider the nature and seriousness of the offence, whether it is the student's first offence, whether the student admits the offence and any other relevant circumstances.
- 2.4 Once the University has identified that the matter is suitable to be dealt with informally, the University will inform the student of this in writing. The letter or email will include details of the allegation(s) of misconduct and the proposed outcome.
- 2.5 If the student agrees that the matter should be dealt with in this way, the student must confirm his or her acceptance by signing the letter and returning it to the address and by the date specified in the letter.
- 2.6 By agreeing that the matter should be dealt with informally the student accepts that:

- 2.6.1 The offence has been committed by him/her;
  - 2.6.2 He or she shall comply in full with any outcome determined by the University;
  - 2.6.3 There is no right to appeal; and
  - 2.6.4 The signed letter may be retained on the University records and used as evidence of past misconduct in assessing any future allegations of misconduct. The signed letter will not be retained on an individual student's file and so it will not be used to determine references provided by the University in respect of the student to external sources.
- 2.7 If the student does not agree that the matter should be dealt with informally, then he or she should complete the appropriate section in the letter confirming this. The formal disciplinary procedure as set out in paragraph 4 will be instigated by the University within a reasonable period of time.
- 2.8 If the student fails to respond to the letter within the period of time specified in the letter, without good reason, the University may immediately instigate the formal disciplinary procedure.

### **3. Informal procedure – outcomes**

- 3.1 The outcomes available to the University under the informal procedure are:
- 3.1.1 No further action to be taken;
  - 3.1.2 A warning; and/or
  - 3.1.3 A formal apology in terms to be agreed by the University to any person adversely affected by the misconduct or any damage done to the University's relations with its members or outside community; and/or
  - 3.1.4 A payment in compensation or restitution for damage or loss; and/or
  - 3.1.5 A fine not exceeding £100; and/or
  - 3.1.6 Temporary withdrawal, suspension or reduction of any benefit, facility or privilege available to the student by virtue of his/her status as a student of the University not exceeding 1 week; and/or
  - 3.1.7 Any other sanction which may be appropriate and proportionate in the circumstances taking into account the fact that the sanction is to be administered under the informal procedure and specifically excluding suspension, expulsion or payment of a fine exceeding £100.
- 3.2 The University may recommend that a student accesses the support of the Student Wellbeing team.

### **4. Formal procedure**

- 4.1 The formal disciplinary procedure will be used where the University determines that it would be appropriate to do so or where a student does not admit the offence or has elected that his or her alleged misconduct be dealt with under the formal procedure.
- 4.2 Where the University suspects or has reason to believe that a student has committed an act of misconduct they will be informed in writing of the allegations against them as soon as is reasonably practicable and will be invited to attend a disciplinary hearing.
- 4.3 The University may request that an investigation be conducted prior to the disciplinary hearing. The University will appoint someone to conduct such investigation. Students have the right to be accompanied by a friend, relative or representative of the Students' Union at any investigatory meetings.
- 4.4 The student will be informed in writing by the University of the date, time and venue of the disciplinary hearing and of the details of the allegation.
- 4.5 Instances of past misconduct may be used as evidence in the event of subsequent allegations made against a student.

## **5. Formal procedure – outcomes**

- 5.1 When misconduct has been found, the outcomes available to the University under the formal procedure are:
  - 5.1.1 No further action to be taken;
  - 5.1.2 Support arrangements and/or reasonable adjustments be put in place, following any necessary University assessment; and/or
  - 5.1.3 An action plan be drawn up setting out how the matter will be managed by the School and any requirements to be placed on the student and/or the course team; and/or
  - 5.1.4 A warning; and/or
  - 5.1.5 A formal apology in terms to be agreed by the University to any person adversely affected by the misconduct or any damage done to the University's relations with its members or outside community; and/or
  - 5.1.6 A payment in compensation or restitution for damage or loss; and/or
  - 5.1.7 A fine not exceeding £500; and/or
  - 5.1.8 Temporary withdrawal, suspension or reduction of any benefit, facility or privilege available to the student by virtue of his/her status as a student of the University not exceeding 1 week; and/or
  - 5.1.9 The termination of a student residency agreement in University owned or managed residential accommodation in accordance with the relevant residency agreement; and/or
  - 5.1.10 Suspension not exceeding 1 year which may be subject to conditions imposed by the University; and/or

5.1.11 Expulsion; and/or

5.1.12 Any other sanction which may be appropriate in the circumstances.

5.2 The University may recommend that a student accesses the support of the Student Wellbeing team.

## **6. Appeals**

6.1 Any student dissatisfied with a decision relating to an allegation of misconduct may give written notice of intention to appeal.

6.2 The notice of appeal must be made on the University form *Appealing against a student disciplinary decision* and must be returned to the address stated on the form not later than 4pm on the tenth working day after the notice of the decision was issued.

6.3 The notice must specify the grounds on which the student wishes to appeal. The grounds on which the student may appeal are:

6.3.1 Evidence at the hearing was factually incorrect; and/or

6.3.2 Fresh evidence, which was not available at the original hearing and which may have affected the outcome of the hearing, is available; and/or

6.3.3 The hearing was flawed on procedural grounds; and /or

6.3.4 The findings of the hearing were inconsistent with the evidence provided to the hearing; and /or

6.3.5 The outcome was not reasonable in the circumstances.

6.4 The University may reject an application to appeal if the notice of appeal does not include one or more of the grounds stated above and/or if the explanation given in support of the grounds stated provides no reasonable basis for an appeal.

6.5 The appeal will be heard by a person or persons who are independent from the first hearing.

6.6 On hearing the appeal the University may:

6.6.1 Confirm and/or uphold the disciplinary action taken; or

6.6.2 Uphold the appeal and set aside the original disciplinary action entirely; or

6.6.3 Substitute an alternative form or level of disciplinary action if they think it is appropriate to do so. This means that the outcome could be less or more severe than the original outcome.

6.7 The University will inform the student of the final decision within a reasonable time after the appeal hearing. The decision made at the appeal will be final and there is no right of further appeal within the University.

- 6.8 A student whose appeal has been dismissed has the right to refer the matter to the Office of Independent Adjudicator. Further information is available at: [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **7. Right to postpone**

- 7.1 Either a student who is the subject of a disciplinary or appeal hearing, or the University, may request a postponement of that hearing providing there are reasonable grounds to do so and the length of the requested postponement is reasonable.
- 7.2 The final decision on whether to postpone a disciplinary or appeal hearing lies with the University.

## **8. Failure to Attend**

- 8.1 Any student who is the subject of this procedure must make all reasonable efforts to attend any hearings or meetings he or she has been requested to attend as part of this process. Failure to attend without good reason may result in a meeting or hearing taking place in the student's absence. In these circumstances, the University will reach a conclusion about the case on the basis of the information available.

## **9. Emergency Suspension**

- 9.1 The University has the contractual right to suspend any student at any time on such conditions as it sees fit. This will usually arise where a student is alleged to have committed an act of misconduct and the University considers that suspension is necessary in the circumstances, because, for example, the alleged misconduct poses a serious risk to the safety, health, or wellbeing of the University, its students or staff, or their property.
- 9.2 This contractual right to suspend is not a sanction or a penalty and is a separate right from the University's ability to impose a period of suspension as a disciplinary outcome.

## **Appendix A**

### **Leeds Beckett University Student Code of Behaviour**

The Student Code of Behaviour is a set of University policies and procedures which, as well as the Student Code of Discipline, includes:

Fitness to Practise Policy and Procedure

Social Media Policy

Protocol on Handling Cases of Alleged Student Misconduct in which Mental Illness may be a Factor

Guidance Statement on the Prevention and Management of Alcohol, Drugs and Substance Misuse

Violence at Leeds Beckett University: a Policy Statement

Code of Practice on Freedom of Speech

Dignity at Work and Study Policy

Policy and Procedures on the Appropriate Student Use of University Electronic Information and Communications Facilities and Services

Regulations for the Use of Institutional IT, Library and Media Facilities - Summary of regulations for students

They are all available at: <http://www.leedsbeckett.ac.uk/public-information/student-regulations/>