

## STUDENT CODE OF CONDUCT

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## **STUDENT CODE OF CONDUCT**

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.

We expect our students 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 and in ways that are responsible and considerate as we work to sustain a supportive, safe, inclusive community for active learning and the building of skills for life.

The [Leeds Beckett Student Charter](#) sets out how we can all work together to understand and fulfil our commitments and reciprocal expectations of one. Every student is an ambassador for the University and is expected to behave in a way that enhances its reputation.

In becoming a member of Leeds Beckett community students are expected to:

- Act with academic integrity
- Listen to and respect the differing perspectives of those from different cultures and backgrounds
- Work together within a positive collaborative learning and working environment, wherever and however, they engage
- Take care with our personal and professional identity, particularly in social and digital interactions and recognise the impact those interactions may have on others.

The aim of the Code is to provide a framework in which we can work with students to maintain satisfactory standards of conduct and to encourage improvement where necessary.

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.

### **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 61 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 4 (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 misconduct grounds and to implement decisions.

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

### **Relevant policies, codes and regulations**

The University policies and procedures that relate to student misconduct are:

- Student Code of Conduct
- Fitness to Practise Policy and Procedure
- Fitness to Study Policy and Procedure
- Leeds Beckett University Student Charter
- Social Media Policy
- Code of Practice on Freedom of Speech
- Preventing and Addressing Bullying, Harassment and Sexual Misconduct Policy

They are all available at: <http://www.leedsbeckett.ac.uk/public-information/student-regulations/>. There may be some overlap between this code and other University policies, procedures and academic regulations that refer to expected standards of behaviour.

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 and will be alerted to these expectations each year as part of their enrolment.

Copies of this code and other University regulations are available from the Student Casework team in the University Registrar & Secretary's Office: [casework@leedsbeckett.ac.uk](mailto:casework@leedsbeckett.ac.uk) and online at: [www.leedsbeckett.ac.uk/studentregs](http://www.leedsbeckett.ac.uk/studentregs).

### **Principles**

All students who go through any conduct investigation or process can expect the University to act in accordance with the following principles:

- i. The code operates in accordance with the principles of natural justice. Students will have the right to a fair hearing, with the opportunity to submit evidence, present their case and the right to appeal.
- ii. The code is not a legal process and does not seek to replicate a legal approach to matters of student conduct.
- iii. Where one student makes an allegation against another, the University's duty of care to all of its students continues to apply and both will be treated fairly and equitably.
- iv. The investigation and consideration of allegations of misconduct will be conducted by trained members of staff with no prior involvement in the matters under consideration.
- v. Investigations will take due regard of the University's obligation to promote

- freedom of speech within the law.
- vi. The standard of proof in finding an allegation of misconduct is on the balance of probabilities. This means that, on the basis of the evidence available, it is more likely than not that misconduct has occurred which is contrary to this code.
  - vii. Where misconduct is found to have occurred, outcomes will be proportionate, reasonable and appropriate to the circumstances.
  - viii. Any student who is the subject of misconduct proceedings is encouraged to seek independent advice from the Students' Union Advice Service. Additional support is available from the University's Student Wellbeing team.
  - ix. Students have the right to be represented in misconduct proceedings by a friend, relative or Students' Union representative.
  - x. Requests for representation by a lawyer or other paid adviser will be considered on a case by case basis and must be submitted in advance to the University Registrar & Secretary.
  - xi. We will aim to conclude the misconduct process within 90 working days of an allegation being received and will keep students informed if there is a delay.
  - xii. Allegations made under other procedures, which relate to the conduct of a student, will be dealt with under this code. The exception to this is students on a specified range of courses leading to professional accreditation whose cases will be referred for consideration under the Fitness to Practise Policy & Procedure.

### **Operation of the Student Code of Conduct**

This code is summarised and provided to students as part of their initial and annual enrolment process. In completing the annual online declaration, students confirm receipt and acceptance of the University's regulations as part of the student contract with the University.

The purpose of this code is to provide an impartial and clear process for handling allegations of student misconduct and to support an environment of mutual respect between members of our university community. It is not a process for resolving disputes between students.

The code is divided into two parts. Part A sets out the University's definitions of misconduct and what students can expect if they are subject to the provisions in the code. Part B sets out the University's procedures for dealing with misconduct matters.

Questions about the Code of Conduct should be directed to the Student Casework team: [casework@leedsbeckett.ac.uk](mailto:casework@leedsbeckett.ac.uk).

## **PART A – STUDENT CONDUCT**

### **1. Definition of misconduct**

- 1.1 Misconduct is defined as:
  - 1.1.1 improper interference with the functioning or activities of the University or those who work or study in the University; and/or
  - 1.1.2 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.
- 1.2 Where a student has allowed 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 conduct of their visitor, and for any damage caused by their visitor, as if the misconduct or damage were their own.
- 1.3 Misconduct which may be the subject of action under Part B of this code includes, but is not limited to, the following:
  - 1.3.1 Improper interference with the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
  - 1.3.2 Improper interference with the functions, duties or activities of any student or member of staff of the University or any visitor to the University;
  - 1.3.3 Sexual misconduct;
  - 1.3.4 Administering drugs or alcohol to an individual without their knowledge or consent (known as spiking);
  - 1.3.5 Violent behaviour;
  - 1.3.6 Sexual, racial or other harassment of any student or member of staff of the University or any visitor to the University;
  - 1.3.7 Threatening, bullying or offensive behaviour or language;
  - 1.3.8 Antisocial behaviour;
  - 1.3.9 Supply, possession, use or cultivation of any illegal drug, or any prescription

- drug which is not prescribed to that student;
- 1.3.10 Relying on forged, falsified or fraudulent documentation or other form of deception or dishonesty intended to gain an unfair advantage;
- 1.3.11 Behaviour which may compromise the safety of staff, other students or visitors;
- 1.3.12 Damage to University property or the property of any student or member of staff of the University, or of a visitor to the University;
- 1.3.13 Misuse or unauthorised use of University premises or items of property;
- 1.3.14 Loss or damage of University equipment;
- 1.3.15 Inappropriate use of social media contrary to the Social Media Policy;
- 1.3.16 Use of any unfair means in any examination or assessment procedure;
- 1.3.17 Conduct which may constitute a criminal offence;
- 1.3.18 Any behaviour which may bring the University into disrepute;
- 1.3.19 Failure to comply with a reasonable request or instruction of the University;
- 1.3.20 Failure to comply with a sanction previously imposed under this code or any other University regulation or policy;
- 1.3.21 Conduct which breaches any University regulation and/or policy.
- 1.3.22 Breach by a student of the terms of their contract with the University;
- 1.3.23 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;
- 1.4 The conduct referred to in paragraphs 1.1 and 1.3 may fall within the scope of this code irrespective of whether it took place on University premises.

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

- 2.1 The University may defer or suspend any misconduct investigation or proceedings at any time where it believes that an investigation by the police or any other authority is ongoing or contemplated.
- 2.2 Where a student is alleged to have committed a criminal offence, it is normally for the victim of the alleged offence to decide whether to report the matter to the police.

- 2.3 Students who are victims of crime are encouraged to report the crime to the police. However, there may be cases where a victim does not wish a crime to be reported to the police and in those cases the University should only in exceptional circumstances report the alleged crime without the consent of the victim - for example, when the victim is unconscious, or where a crime is witnessed or where the crime has implications for others beyond the primary victim (such as under the University's Safeguarding policy or the Computer Use Regulations regarding Inappropriate Materials).
- 2.4 Where conduct by a student is either subject to an investigation by the police as a suspected criminal offence or where a student has been charged with a criminal offence and is awaiting trial, the University will review such incidents on a case by case basis looking at the best interests of all parties concerned in determining whether any additional investigation under this Code is appropriate or necessary.

### **3. Allegations of sexual misconduct**

- 3.1 An allegation of sexual misconduct or harassment against a student will be dealt with under the Student Code of Conduct. An allegation made against a member of staff will be referred to Human Resources for consideration under the Staff Disciplinary Procedure.
- 3.2 More information about how allegations of sexual misconduct are handled under this code can be found in Annex B.
- 3.3 Information and guidance about the options for reporting an allegation of sexual misconduct or harassment, as well as sources of support, is provided in Guidance for Students on Reporting an Incident of Sexual Violence, Harassment or Misconduct.

### **4. Students and staff affected by misconduct**

- 4.1 Students and staff who report misconduct, or who may have experienced harm as a result of misconduct, will have a named contact in the Student Casework team with responsibility for providing updates throughout the case and advice on the conduct process.
- 4.2 Staff who are affected by student misconduct will have an opportunity early in the process to discuss the issue with HR to identify any support needs. An early meeting with the Investigating Officer will be arranged to enable the member of staff to take part in the process if they wish.
- 4.3 During the process, arrangements may be put in place to minimise contact between the parties. In cases where staff are affected by student misconduct, this may include reallocation of teaching, marking and assessment of the student(s) concerned.
- 4.4 A student or member of staff who has reported misconduct, or experienced harm as a result of misconduct, will be notified promptly when the case has concluded and

informed of any finding or outcome applied that relates directly to them.

**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 conduct, issues relating to a student's wellbeing may arise. We will make all reasonable efforts to ensure that these issues are handled with sensitivity.
- 5.2 Where concerns are raised about a student's wellbeing, the matter may be referred for consideration under the Fitness to Study policy and procedure.
- 5.3 We also understand that some students may act in a way which could be construed as constituting misconduct because of a disability or mental health issue. If a student is aware that they have such a disability they are encouraged to make it known to the Disability Advice Service as soon as possible.

**6. Confidentiality and Disclosure**

- 6.1 Information disclosed as part of any conduct investigation is strictly confidential and should not be shared with any third party or any other staff and students.
- 6.2 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.
- 6.3 The University expects that its staff and students will respect the outcomes and actions of a Conduct Panel determined on the basis of the facts and all available evidence.
- 6.4 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 misconduct proceedings.
- 6.5 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 misconduct 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 misconduct or Fitness to Practise procedures.
- 6.6 The University will retain a record of all student misconduct cases, both those resolved locally 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.
- 6.7 The University will collect aggregated data about student misconduct 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 Code.

## **PART B – STUDENT MISCONDUCT PROCEDURE**

### **1. Introduction**

- 1.1 In cases of minor issues of misconduct, the University will normally seek to resolve matters at Stage One as set out in sections 2 and 3 below.
- 1.2 If the matter cannot be resolved at Stage One, or it is not appropriate to do so, Stage 2 of the procedure will apply as set out in section 4 below.
- 1.3 The student will have the right to appeal the outcome of the Stage Two misconduct procedure.
- 1.4 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 online at [www.oiahe.org.uk](http://www.oiahe.org.uk) and are provided to all students who have exhausted the University's procedure.

### **2. Stage One**

- 2.1 The purpose of the Stage One procedure is to deal with matters of conduct fairly and quickly.
- 2.2 A conduct matter is capable of being dealt with at Stage One when:
  - a. in the reasonable opinion of the University, it is suitable to be dealt with in this way; and
  - b. 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 at Stage One, 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 at Stage One, the student will be notified of this in writing and provided with 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, they must confirm their acceptance in writing by letter or email to the address and by the date specified.
- 2.6 By agreeing that the matter should be dealt with at Stage One the student accepts that:

- a. That they are responsible for the alleged misconduct;
  - b. They will comply in full with any outcome determined by the University;
  - c. There is no right to appeal; and
  - d. The evidence of acceptance of the outcome may be retained on the University records and used as evidence of past misconduct in assessing any future allegations of misconduct. The acceptance 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 at Stage One, they should confirm this by return. The Stage Two 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, without good reason, the University may immediately instigate the Stage Two procedure.

### **3. Stage One – outcomes**

- 3.1 The outcomes available to the University under Stage One are:
- a. No further action to be taken;
  - b. A warning; and/or
  - c. 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
  - d. A payment in compensation or restitution for damage or loss; and/or
  - e. A fine not exceeding £100; and/or
  - f. 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
  - g. Any other outcome which may be appropriate and proportionate in the circumstances taking into account the fact that the outcome is to be administered under the Stage One 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. Stage Two**

4.1 The Stage Two conduct procedure will be used where the University determines that it would be appropriate to do so or where a student does not accept responsibility or has elected that their alleged misconduct be dealt with under the Stage Two 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 conduct hearing.

4.3 The University may request that an investigation is conducted prior to the conduct hearing. An Investigating Officer, selected from a pool of trained staff, will be appointed to conduct the 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 conduct hearing and will be provided with the investigation report and supporting evidence.

4.5 The University will inform the student of the outcome within five working days of the hearing.

4.6 Instances of past misconduct may be used as evidence in the event of subsequent allegations made against a student.

**5. Stage Two – outcomes**

5.1 When misconduct has been found, the outcomes available to the University under the Stage Two procedure are:

- a. No further action to be taken;
- b. Support arrangements and/or reasonable adjustments be put in place, following any necessary University assessment; and/or
- c. 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
- d. A no contact/no communication order; and/or

- e. A warning; and/or
  - f. 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
  - g. A payment in compensation or restitution for damage or loss; and/or
  - h. A fine not exceeding £500; and/or
  - i. 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
  - j. The termination of a student residency agreement in University owned or managed residential accommodation in accordance with the relevant residency agreement; and/or
  - k. Suspension not exceeding 1 year which may be subject to conditions imposed by the University; and/or
  - l. Expulsion; and/or
  - m. 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 conduct panel 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:
- a. Evidence at the hearing was factually incorrect; and/or
  - b. Fresh evidence, which was not available at the original hearing and which may have affected the outcome of the hearing, is available; and/or

- c. The hearing was flawed on procedural grounds; and /or
  - d. The findings of the hearing were inconsistent with the evidence provided to the hearing; and /or
  - e. 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:
- a. Confirm and/or uphold the outcome; or
  - b. Uphold the appeal and set aside the original outcome entirely; or
  - c. Substitute an alternative form or level of outcome. 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 five working days of 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. Allegations involving more than one student**

- 7.1 In cases where an allegation involves more than one student, the University may deal with all or any of the cases at the same time.

## **8. Right to postpone**

- 8.1 A student who is the subject of a conduct 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.
- 8.2 The final decision on whether to postpone a conduct or appeal hearing lies with the University.

## **9. Failure to Attend**

9.1 Students must make all reasonable efforts to attend any hearings or meetings they are 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.

**10. Precautionary measures**

10.1 Where appropriate, precautionary measures will be taken to protect individuals involved in a misconduct matter, or other members of the University, from an identified risk, or to protect an investigation being conducted under this procedure. Such measures are most likely to be taken when there is a risk to an individual's physical or mental health; and/or the case is of a highly sensitive nature.

10.2 Precautionary measures will be proportionate to the facts of the case. Examples of measures that may be taken include:

- a. a no contact arrangement;
- b. alternative teaching arrangements, such as transfer to another lecture or seminar group;
- c. exclusion from, or restrictions on access to, specific university buildings or services;
- d. transfer to alternative accommodation.

10.3 If no other measure is appropriate, 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.

10.4 This contractual right to suspend is not a penalty or confirmation of a finding of misconduct. It is taken as a precautionary and neutral measure, often to protect one or both parties, and is a separate right from the University's ability to impose a period of suspension as an outcome of a conduct panel.

10.5 Students may request a review of a decision to suspend taken as a precautionary measure. All requests will be considered, however the University's decision is final.

10.6 Precautionary measures will normally remain in place until the process has concluded. Suspension will be reviewed periodically, and if additional information comes to light, in order to confirm that it remains an appropriate course of action.

## Annex A

### Outcomes under Stage Two of the Student Code of Conduct

The table below provides an indication of the types of outcomes that may be imposed at Stage Two of the Student Code of Conduct for a range of types of misconduct. Every case is considered on an individual basis, taking into account the facts of the case and any mitigating or aggravating factors. Outcomes are proportionate and will vary according to the seriousness of an offence and based on the evidence.

Type of misconduct	Examples	Possible outcomes
Improper interference with the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere	Disruption in class, misbehaviour when representing the University at a sporting event	Final warning, formal apology, suspension from a sport club
Improper interference with the functions, duties or activities of any student or member of staff of the University or any visitor to the University	Disruption in class that causes a lesson to be postponed	Final warning, formal apology
Sexual misconduct	Sexual harassment, sexual assault, stalking or unwanted sexual contact	Expulsion, suspension of up to one year, termination of residency agreement, formal apology, final warning, no contact agreement
Violent behaviour	Fighting, physical attack	Expulsion, suspension of up to one year, termination of residency agreement, formal apology, final warning, no contact agreement
Sexual, racial or other harassment of any student or member of staff of the University or any visitor to the University	Abusive or unwanted comments or behaviour relating to an individual's gender, sexual orientation, religion or belief, race, gender identity, disability or age via any means	Expulsion, suspension of up to one year, termination of residency agreement, formal apology, final warning, no contact agreement
Threatening, bullying or offensive behaviour or language	Serious or persistent bullying, harassment or intimidation, acting in a	Expulsion, suspension of up to one year, termination of residency agreement, formal

	hostile manner, spreading malicious rumours, excluding someone from activities	apology, final warning, no contact agreement
Antisocial behaviour	Behaving in a disruptive manner that adversely affects others, such as holding loud parties,	Formal apology, final warning, termination of residency agreement.
Spiking	Administering drugs or alcohol to an individual without their knowledge or consent	Expulsion, termination of residency agreement, final warning, no contact agreement
Supply, possession, use or cultivation of any illegal drug, or any prescription drug which is not prescribed to that student	Involvement in illegal drug taking or dealing that took place either on University property or in the community; persistent unacceptable behaviour resulting from the misuse of drugs	Expulsion, suspension of up to one year, termination of residency agreement, final warning, fine
Relying on forged, falsified or fraudulent documentation or other form of deception or dishonesty intended to gain an unfair advantage	Submitting a fake doctor's note in order to obtain an extension	Expulsion, final warning
Behaviour which may compromise the safety of staff, other students or visitors	Behaving in a dangerous manner in a classroom setting or in University accommodation	Termination of residency agreement, formal apology, final warning, fine or payment for loss or damage
Damage to University property or the property of any student or member of staff of the University, or of a visitor to the University	Breaking windows, setting off fire extinguishers, setting off fire alarms	Formal apology, final warning, fine or payment for loss or damage
Misuse or unauthorised use of University premises or items of property	Taking University equipment without going through proper channels	Formal apology, final warning, fine or payment for loss or damage

Loss or damage of University equipment	Leaving University equipment in a car overnight and it being stolen	Formal apology, final warning, fine or payment for loss or damage
Inappropriate use of social media contrary to the Social Media Policy	Social media posts that do not reflect the views of the University and could bring the University in disrepute	Final warning, formal apology
Use of any unfair means in any examination or assessment procedure	Taking notes into an examination	Expulsion, final warning
Conduct which may constitute a criminal offence	If the University is informed by the police that a student has been arrested. After the police investigation is over the University will conduct its own investigation	Expulsion, suspension of up to one year, termination of residency agreement, formal apology, final warning, no contact order
Any behaviour which may bring the University into disrepute	Behaviour that is reported in the press or behaviour in the community that reflects poorly on the University	Formal apology, final warning
Failure to comply with a reasonable request or instruction of the University	Non-attendance at an investigatory meeting or conduct panel	Formal apology, final warning
Failure to comply with a sanction previously imposed under this code or any other University regulation or policy	Not writing an apology when required as an outcome of a conduct panel	Another disciplinary hearing held and further outcomes administered
Conduct which breaches any University regulation and/or policy	Breach of the University's data protection policy	Final warning
Breach by a student of the terms of their registration contract with the University	Withholding a criminal conviction at time of application. Falsifying your qualification	Expulsion, final warning
Making accusations against other students or staff which are	Lying about another student's involvement in	Formal apology, final warning

not substantiated in whole or in part and where there are reasonable grounds to believe the accusations have been made maliciously or in badfaith	poor behaviour. Lying about a member of staff saying something inappropriate.	
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## **Annex B – Cases involving allegations of sexual violence and misconduct**

### **Introduction**

1. The University recognises that incidents of sexual violence and misconduct may occur in our community and that they can have a serious impact on health, wellbeing and academic progress.
2. All parties will be treated fairly and with dignity in raising a case and throughout any investigation process and will have access to the support available from the University.
3. If you have experienced sexual violence or misconduct while you are a student here, you can contact our Student Wellbeing team for advice on the options available if you choose to report it. You are in control of whether you:
  - remain anonymous
  - report an incident to the police
  - report an incident to the University for investigation under the Student Code of Conduct
  - seek support
  - report an incident but take it no further.
4. This document focuses on cases brought under the Student Code of Conduct. Please refer to the University's [Support Report Respect site](#) for details of other reporting options and the support available to help you move forward.
5. Our Student Wellbeing team can provide a range of support and advise you about accessing local and national sources. The team also has helpful [guidance for students](#) who have experienced sexual harassment, violence or misconduct.

### **Investigation**

6. The University is not able to determine whether a criminal act has occurred. We do not have the legal investigatory powers of the police. The purpose our process is to determine whether there has been a breach of the Student Code of Conduct.
7. Allegations of sexual misconduct will normally be dealt with at Stage Two of the Student Code of Conduct, and in accordance with Sections 5 – 10 of Part B of the Code.
8. An allegation of sexual misconduct must be made in writing. This may be via a complaint form; the form for making an allegation against a student; or in an email. It should be sent to: [casework@leedsbeckett.ac.uk](mailto:casework@leedsbeckett.ac.uk).
9. A Senior Casework Officer will be assigned to coordinate the case, maintain a case file and keep the parties up to date on progress. They will also be a point of contact for the parties should they have questions or concerns about the process.

10. The Senior Casework Officer will assign an Investigating Officer. All staff involved in an investigation related to an allegation of sexual misconduct will have received appropriate training and will have no prior knowledge of the case.
11. All parties are entitled to be accompanied at any investigatory meetings or hearings under this procedure. We strongly encourage any student, whether a reporting party or a reported party, to seek independent advice from the Students' Union Advice Service.
12. The Investigating Officer will interview the reporting party, the reported party and any witnesses separately and will produce a report of their findings. The report will identify the facts of the case that are not in dispute and any points of difference. It will also recommend whether the case should be referred to a conduct panel.

### **Conduct panels**

12. Members of conduct panels considering allegations of sexual misconduct will have received appropriate training and will have no prior knowledge of the case.
13. A range of practical measures can be put in place at a conduct hearing to safeguard, and provide reassurance to, a reporting party who attends to give evidence. These include:
  - separate waiting areas for the parties;
  - the reporting party responding to written questions from the reported party, or to questions via the Chair of the panel;
  - the reporting party attending via video link from a separate location.

### **Communication of the outcome**

14. The reported party will receive written confirmation of the outcome of the conduct panel hearing, normally within five working days. This will include the notes taken at the hearing; the outcomes determined by the panel; the reasons for their conclusions; and details of how to request an appeal of the outcome.
15. The reporting party will be notified of the general outcome of the hearing and any measures put in place that directly affect them. For reasons of confidentiality, specific details will not be shared.
16. The reporting party cannot appeal a decision made under the Student Code of Conduct. If they consider that the procedure has not been applied correctly, a formal complaint can be made under the [Student Complaints Procedure](#).

### **Confidentiality**

17. In accordance with all cases dealt with under the Student Code of Conduct, information disclosed as part of the disciplinary process is strictly confidential and should not be shared with any third party or any other staff and students.

18. The University expects all parties, including any witnesses, students' representatives 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.
19. The University expects that its staff and students will respect the outcomes and actions of a Conduct Panel determined on the basis of the facts and all available evidence.
20. Any failing of either University staff or students to respect the provisions relating to confidentiality and disclosure contained within the Student Code of Conduct will be subject to separate disciplinary proceedings.

## **Annex C – Cases involving allegations of misconduct within the Athletic Union (AU)**

### **Introduction**

1. The [Student Code of Conduct](#) (“the Code”) applies to all registered Leeds Beckett students. It sets out expected standards of behaviour and how allegations of breaches of the Code will be handled. This document does not replace the Code. It is intended to provide clarification on the management of conduct issues arising specifically in the context of AU activities.
2. Every club member is a representative of Leeds Beckett University. The Athletic Union should be a welcoming, safe, inclusive place where club members behave in the best interests of their team mates, the University and the wider community. This commitment includes honouring [the Varsity Pledge](#).
3. The Club Captain and Social & Welfare Officer from each club have the responsibility to ensure that their club adheres to the Code, and are required to attend annual Social & Welfare training to support them in meeting this responsibility. The AU offers an open-door policy to any AU member or other individual who believes that misconduct may have occurred or wishes to disclose information of a sensitive nature.

### **Examples of misconduct**

4. In addition to the examples of misconduct set out in the Student Code of Conduct, the following apply to AU clubs:
  - Organising or participating in initiations or ‘hazing’. This involves acts linked to club membership which may produce mental or physical discomfort, or may humiliate, demean or harass. It includes forcing anyone to consume inappropriate or excessive substances.
  - Consuming alcohol while playing in a Leeds Beckett University sports fixture.
  - Using offensive language or inappropriate images (including nudity) on any club social media. This includes content by association i.e. 'retweets' and 'likes'.
  - Wearing clothing with offensive words, language, or images on it while participating in club activities.
  - Antisocial behaviour or behaviour which may bring the University's name into disrepute on sports tours.
  - Inappropriate use of University branding,<sup>1</sup> or using it without permission.

### **AU investigation**

5. The AU will normally investigate in cases where:
  - The incident has taken place during a recognised AU activity (training, match, awards event, Varsity etc) or a Club society activity (including tour).
  - The allegation relates to AU Club activity on their social media, web or chat accounts.
6. The AU will not normally investigate in cases where:

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<sup>1</sup> Branded clothing/equipment is defined as any item embellished with the Leeds Beckett or formerly Metropolitan logo (this includes any reference to Leeds Beckett, Beckett, Carnegie, LBU, Leeds Metropolitan, Leeds Met, and LMU). All branded clothing is designed and manufactured by the approved University supplier. Any alterations to branded clothing/equipment must be approved by marketing, including the addition of names/initials.

- The matter is already being investigated elsewhere (either by the police or by an investigator appointed by the University under the Student Code of Conduct)
  - The student regarding whom the allegation was made is not a member of the AU.
7. At any point in the AU process, the matter may be referred to the main procedure set out in the University Code. This will usually be the case in relation to misconduct that is appropriate to deal with under stage two of the procedure, including:
- sexual misconduct
  - violent behaviour
  - harassment
  - behaviour that may amount to a criminal offence and
  - incidents that potentially bring the University into disrepute.

**AU outcomes**

8. The outcomes below may be applied following a police or University investigation, based on the findings of that investigation.
9. On the same principle as the Precautionary Measures set out in section 10 of the Student Code of Conduct, the AU may take precautionary measures to protect individuals involved in a misconduct matter, or other members of the University, from an identified risk, or to protect an investigation. Such measures are most likely to be taken where there is a risk to an individual’s physical or mental health, and/or the case is of a serious or highly sensitive nature. This may involve full or partial suspension from club activities and must be proportionate to the risk. This may include suspension of an individual from a committee position or from running for a committee position.
10. The examples of misconduct and outcomes are not exhaustive; other proportionate outcomes may apply. Severe or repeated misconduct will be taken into account when deciding the outcome. More than one outcome may apply:

Type of Misconduct	Examples	Possible outcomes
Improper interference with the sporting, social or other activities of the University, whether on University premises or elsewhere	<ul style="list-style-type: none"> <li>• Verbal abuse of officials, coaches, university staff, students or publics</li> <li>• Property misuse, including littering, vandalism, untidiness (of training, playing, transport, accommodation and social venues)</li> <li>• Non-accidental damage to kit or failure to return</li> </ul>	<ul style="list-style-type: none"> <li>• Formal written apology required</li> <li>• Required training for club/individuals (eg. bystander training)</li> <li>• Club fines</li> <li>• Downgrade of Club Mark</li> <li>• Club/individual final warning</li> <li>• Required to pay cost of replacement kit</li> </ul>

<p>Damage to University property or the property of any student or member of staff of the University, or a visitor to the University; antisocial behaviour</p>	<ul style="list-style-type: none"> <li>• Property damage (of training, playing, transport, accommodation and social venues)</li> <li>• Theft or club account misuse, including financially extorting behaviours</li> <li>• Bullying behaviour</li> <li>• Initiations or ‘hazing’</li> <li>• Cultural/ethnic appropriation or insensitivity</li> <li>• Offensive clothing and/or public nudity (at training, playing and social venues)</li> <li>• Drug use at AU/Club events (first offence)</li> <li>• Doping</li> </ul>	<ul style="list-style-type: none"> <li>• Training bans/suspension of individuals/teams/clubs</li> <li>• Playing bans/suspensions for individuals/teams/clubs</li> <li>• Varsity Club/team ban for up to one year</li> <li>• Removal of Committee members from their positions</li> <li>• Individuals banned or suspended from the Club</li> <li>• Removal/downgrade of Club Mark</li> <li>• Club or individual fines (up to £100)</li> <li>• Reduction or removal of operational budget</li> <li>• Sports Award ban for up to one year</li> <li>• Club placed into “special measures”</li> </ul>
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**Additional measures**

11. For fixtures on Leeds Beckett University campuses, spectators may only consume alcohol that has been purchased from Beckett Sport outlets; any other alcohol will be confiscated by staff and those found to be consuming it will be asked to leave the facility or venue.
12. Sports kit purchased by the AU for Clubs is the property of the University and any student who does not return kit at the end of the academic year will be charged the full price of a replacement kit. A student may also be charged the full price of a replacement kit in the case of non-accidental damage or inappropriate use of the kit (i.e. wearing kit at socials).
13. Where a police investigation has led to a finding of criminal behaviour or a University investigation has found stage 2 misconduct, the following additional outcomes may apply:
  - Revocation of sports membership and/or AU membership (without refund)
  - AU funding frozen or removed
  - Closure of the sports club

In addition, any of the outcomes listed under section B 3 of the Student Code of Conduct may be applied.

14. Failing to cooperate with an investigation or with an outcome may be considered misconduct in its own right and may lead to one or more of the outcomes set out above.
15. Misconduct by an individual can lead to outcomes for multiple individuals or the whole club where they have been complicit in the misconduct or have concealed or withheld information about it.
16. Club incidents may result in whole club sanctions, irrespective of whether the incident was attributed to a particular team, group or sub-section within the club and irrespective of where it took place. Club incidents are activities that are promoted, organised or attributed to the club itself.
17. A committee member not directly involved in an incident can also be removed on grounds of lack of responsibility (eg. a Social & Welfare officer, whose role is to look after club socials, can be removed for persistent incidents in relation to club socials).

**Responding to an outcome**

18. Where one or more outcomes has been applied, clubs and individuals have the right to challenge it within 10 working days by emailing [casework@leedsbeckett.ac.uk](mailto:casework@leedsbeckett.ac.uk). The matter will be referred to the Stage 2 procedure set out in the University Student Code of Conduct.

## Annex D – Conduct hearings

1. The purpose of a conduct hearing is to consider the allegation(s) of misconduct made against a student. A panel of three senior university staff will consider all of the evidence presented and decide whether, on the balance of probabilities, they reasonably believe that the allegation(s) should be upheld and, if so, what outcome should be applied.
2. The reported student will be given at least 10 days' notice of a conduct hearing. They will receive the evidence relating to the case before the hearing and have the opportunity to submit any supporting evidence that they want the panel to consider.
3. It is important that, when notified, students attend the hearing. It is their opportunity to present their case and share any mitigating factors or other relevant information. The panel may ask questions to ensure that they have a clear understanding of the case and to seek additional information. A hearing may still go ahead if the reported student fails to attend without good reason. The panel will make a decision in their absence on the basis of the evidence available.

## Introduction

4. Conduct hearings are normally held in person but requests for an online hearing will be considered. They should be submitted to the Student Casework team at: [casework@leedsbeckett.ac.uk](mailto:casework@leedsbeckett.ac.uk).
5. At the beginning of the conduct hearing, the Chair will introduce those present and explain their roles. There will be a note-taker and an adviser to the panel present but they are not part of the decision making. The Chair will also outline the purpose of the hearing and check that all parties have received adequate notification of the hearing.
6. All conduct hearings are held in private. Information about the allegation and the outcome will only be shared on a strict need to know basis. Witnesses will wait in a separate room and will be called when they are required to give evidence.
7. All parties can submit any documentary evidence they wish to be considered, including details of the identity of any witnesses to be called and any witness statements that have been prepared. To ensure that those involved have the opportunity to consider the evidence submitted, it should be submitted in advance and by the deadline provided. It may not be possible to introduce late evidence if there is no good reason for the delay. If late evidence is permitted, it may be necessary to put in place a short adjournment for those involved to consider the evidence.
8. A reported student can bring a friend, parent or representative from the Students' Union Advice Service to support them at the hearing. The name and capacity in which the supporter is attending should be provided to the [Student Casework](#) team in advance. It is not normally expected that the student will have legal representation, but if the student believes it is justified in the circumstances, they should make these reasons known to the [Student Casework](#) team at least three working days in advance of

the hearing. The Registrar & Secretary will make the decision on whether to permit it. The reported student may request a break from the hearing in order to confer privately with their supporter or representative, and this will be granted where reasonable.

9. The Chair will explain the conduct hearing procedure (see below) and allow the student an opportunity to ask questions about the procedure.

## **Procedure**

10. The Investigating Officer will present their case first as follows:
  - they may give an opening submission in respect of the allegation(s) and the investigation that has been carried out;
  - they may call witnesses. They should encourage the witness to give their evidence in their own words and refer them to any appropriate documentary evidence. They must not ask leading questions or put words in the mouths of their witness. If the Chair believes that the person presenting their case is leading their witness, they may stop them and ask them to re-phrase their question. The reported student may then ask the witness questions;
  - if the Chair and/or panel has any additional questions for the witness that have not been asked by either party, then he/she may ask them at the end of that witness's evidence;
  - the Panel and the student may ask the Investigating Officer questions.
  - The reported student then has an opportunity to present their case and call witnesses, and the same process is followed.
11. If appropriate, the Chair may request that questions are asked through them rather than addressed directly to a witness. This may occur in cases where one student has made an allegation against another and there is a risk of substantial harm or distress arising from direct questioning. Other measures may be taken to protect witnesses, such as allowing them to participate remotely.
12. When all of the evidence has been heard, each party may give a closing statement.
13. The Investigating Officer and the student will leave the hearing to allow the panel to deliberate in private. The student will be advised to expect to receive the outcome in writing within five working days.
14. The panel will address each allegation as follows:
  - make a finding of fact based on the evidence presented at the hearing;
  - determine whether this constitutes misconduct; and
  - determine what outcome(s) should be applied.

## **Outcomes**

15. The outcomes available to the Panel are listed in the Student Code of Conduct (Section 5, Stage Two – Outcomes). In determining outcomes, the panel will have regard to the

individual circumstances of each case and will apply the principles of proportionality, consistency and fairness.

16. If a student does not comply with an outcome, this may constitute misconduct in itself and the University has discretion to instigate the Stage One or Stage Two conduct procedure (whichever is appropriate in the circumstances).