

SECTION P.2: STUDENT CODE OF CONDUCT

GENERAL PRINCIPLES

1. A complaint of misconduct either by one student against another or by a member of staff against a student shall normally be made to the relevant Head of Department concerned. Where a complaint of misconduct is brought directly to the attention of the Vice Chancellor or in her/his absence the Pro Vice Chancellor and Deputy Chief Executive, s/he shall, unless there are good reasons to the contrary, refer the complaint to the Head of Department concerned. The complaint should be registered on the 'Notice of Formal Complaint' proforma, which is available from Registry Services or the Students' Union.
2. Many complaints of misconduct either by one student against another or by a member of staff against a student will be dealt with informally by consultation between the student(s) and staff concerned. The formal Procedures will be used either where the alleged misconduct is of the type indicated below and/or where informal action/mediation at the departmental level has failed or is considered inappropriate.
3. It should be noted that a complaint by a student against a member of staff will, if necessary, be dealt with under the Disciplinary Procedures applicable to that member of staff.
4. Where a complainant is dissatisfied with a decision by a head of Department not to invoke the formal Disciplinary Procedures the complainant may refer the matter to the Vice Chancellor who may instruct the Pro Vice Chancellor and Deputy Chief Executive to take action under the Procedures. The Vice Chancellor's decision on how to proceed shall be final.

CODE OF DISCIPLINE

1. Where a complaint of misconduct has been made, the Vice Chancellor may rule that the complaint should not be the subject of any further action under this code, but such a ruling shall not preclude informal action by way of caution or otherwise if appropriate.
2. Where the offence under the criminal law is considered to be not serious, action under this code may continue, but such action may be deferred pending any police investigation or prosecution.
3. In the case of all other offences under the criminal law, no action [other than suspension or exclusion pursuant to sections 8 - 11] may be taken under this code unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the Vice Chancellor may decide whether disciplinary action under this code should continue or be taken.

4. 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 the penalty under this code.
5. The essence of misconduct under this code is improper interference, in the broadest sense, with the proper functioning or activities of the University of Worcester, or those who work and study within the University, or action which otherwise damages the University. The following is a list of some of the most common breaches but is not intended to be exhaustive. Any act which interferes with the achievement of the objects of the University or which can be deemed to bring the University into disrepute may be regarded as a breach of discipline:
 - a) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere.
 - b) Assault or serious violent, indecent, disorderly, threatening, offensive behaviour or language whilst on University premises or engaged in any University activity including misuse of the Email facility or computer network.
 - c) Malicious damage to or misappropriation of University property which includes Halls of Residence, sports facilities, Students' Union property or the property of any student or member of staff.
 - d) Any action likely to cause injury to any person or impair safety on the University's premises.
 - e) Sexual or Racial or Personal harassment of any student, employee of or authorised visitor to the University.
 - f) Fraud, deceit, deception or dishonesty in relation to the University or its employees or in connection with holding any office in the University or in relation to being a student of the University.
 - g) Misappropriation of University funds or assets.
 - h) Behaviour which causes fear or distress to others or which brings the University into disrepute, including behaviour that occurs away from the University.
 - i) Behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of any other student or member of staff or which disrupts or interferes with activities properly carried out by the University.
 - j) Electronic recording in group, tutorial or pastoral activities without having first received the consent of the other party(ies) involved.

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- k) Misuse or unauthorised use of University premises or items of property including computer misuse.
 - l) A serious breach of University regulations: examination offences; failure to comply with a previously imposed penalty under the Code.
 - m) Failure to comply with policies and directions relating to the effective operation of the University. Failure to disclose names and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require such information to be given.
 - n) Any act that the Vice Chancellor, Pro Vice Chancellor and Deputy Chief Executive, or Head of Department has reason to believe is a breach of good discipline of the University, including unreasonable refusal to assist in the procedure for student discipline.
 - o) Conduct which constitutes a criminal offence where that conduct:
 - (i) takes place on University premises, or
 - (ii) affects or concerns other members of the University community, or
 - (iii) damages the good name of the University, or
 - (iv) itself constitutes misconduct within the terms of this Code, or
 - (v) is an offence of dishonesty, where the student holds an office of responsibility at the University.
6. Students following courses with a professional content must also comply with the relevant Code of Professional Conduct and failure to do so may result in separate disciplinary proceedings.

INFORMAL PROCEDURE FOR STUDENT DISCIPLINE

7. Complaints of misconduct either by one student against another or by a member of staff against a student should, wherever possible, be dealt with informally by consultation between the student(s) and staff concerned, the Course Tutor, the Personal Tutor, the Director of Studies/Course Leader, Head of Department or Head of Service. In cases of suspected harassment an 'initial advisor'* may be consulted by the student in confidence at or before the informal stage. The formal procedures will only be used either where the alleged misconduct is of the type indicated and/or where informal action/mediation at departmental level has failed or is considered inappropriate.

* 'Initial advisors' are listed on notice boards throughout the University, in the Health Centre, the Library, the Personnel Office, the Students' Union, at Reception, Student Enquiry Desk, and on the University Web-site, 'harassment'.

FORMAL PROCEDURE FOR STUDENT DISCIPLINE

8. This procedure will be followed where a student is alleged to have been in breach of the above Code of Discipline and where informal action is either considered inappropriate or has failed to achieve the desired result. The purpose of the formal procedure is to obtain all the relevant facts so that the decision reached is fair to the student and to the University. It is not a judicial process.
9. The Vice Chancellor is responsible for all matters of student discipline.
10. Where s/he considers it appropriate the Vice Chancellor, or in her/his absence the Pro Vice Chancellor and Deputy Chief Executive, may suspend or exclude a student with immediate effect from her/his course and all of, or part of, the University's premises for the period pending and during the consideration of a matter under the formal disciplinary procedures set out below up to a maximum of 20 working days. The suspended student will be given the opportunity to make representations in person to the Vice Chancellor, or in the absence of the Vice Chancellor to a designated deputy within 5 days of the suspension being imposed. Written representations may be made where the student's attendance is impossible. A decision to suspend a student shall be reported in writing to the Registrar and Secretary and the President of the Students' Union.
11. Where for good reason the disciplinary procedures cannot be completed within a 20 day period, or where protracted criminal proceedings are involved, the Vice Chancellor shall have the power, exceptionally, to extend the suspension. In such a case the Chair of Governors and the student shall be informed of the reason(s) in writing and the suspension must be reviewed at the end of each 20 working day period.
12. Where a suspension is extended beyond 20 working days the student may appeal to a Panel [one independent governor who shall act as Chair, one member of staff and one student who are members of the Board of Governors]. The grounds for an appeal must arise from the improper operation of the procedures and/or an improper decision arising from them. The Panel shall determine its own procedures bearing in mind the provisions of this regulation.

ACTION BY A HEAD OF DEPARTMENT AND AUTHORISED OFFICER

13. An alleged breach of discipline which is to be dealt with through the formal procedure shall in the first instance immediately be brought to the attention of the relevant Head of Department, to which the student belongs. In the case of joint honours students, the matter will be referred to one of the departments concerned where a student is taking subjects in more than one department. The person to whom the matter is brought shall appoint an Authorised Officer to investigate the matter.
14. The Authorised Officer shall, normally within five working days of the reporting of the alleged breach of the University's Code of Discipline, assemble the written evidence

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- from the person or persons bringing the complaint against the student and evidence from the student concerned. The Authorised Officer shall be entitled to call for such papers, interview such witnesses and conduct such other enquiries into the matter as s/he may think fit.
15. The Authorised Officer will submit the evidence and a summary statement to the appropriate Head of Department who will then decide whether to proceed further against the student. If s/he decides to proceed further s/he shall either:
 - a) deal with the matter himself/herself; or
 - b) if s/he considers that the alleged breach of discipline may be serious enough to warrant suspension or expulsion refer the matter for action by the Vice Chancellor. S/he will present a report on the matter to the Vice Chancellor or in her/his absence the Pro Vice Chancellor and Deputy Chief Executive.
 16. If a decision is taken to proceed further against a student the Registrar and Secretary shall be informed and the student automatically receive a copy of these Regulations.
 17. If the Head of Department has decided to deal with the matter himself/herself s/he will then interview the student, giving the student at least five working days' written notice. The student may be accompanied at the interview by a friend who may speak on his/her behalf. The friend shall be a registered student of the University at the time the alleged offence was committed.
 18. The letter requiring the student to attend the interview will:
 - a) state the allegations to be considered at the interview;
 - b) inform the student of his/her right to be accompanied by a friend who will be a registered student of the University at the time the alleged offence was committed;
 - c) inform the student that witnesses may be called in support of the complaint or by the student in support of his/her response and that the relevant documentation may be considered at the interview including any written statement by the student in response to the complaint. Copies of any documents to be produced relating to the complaint must be enclosed with the letter and the student required to provide copies of any documents to which s/he intends to refer to enable consideration to be given to them.
 - d) inform the student that he/she must provide the University with written details of all witnesses he/she intends to call in support of the complaint or in support of his/her response.
 19. The Head of Department may deal with the case himself/herself by:
 - a) dismissal of the case;

- b) warning the student in writing of the possible consequences of any further misconduct. The warning will be placed on record in the student's file;
- c) reprimanding the student formally, such reprimand to be confirmed in writing. The reprimand will state the time that it shall remain on record in the student's file.
- d) referring the matter to the Vice Chancellor for action.

Where the complaint against the student(s) relates to damages caused to University or other property, the Head of Department may decide to require the student to pay for the damages caused.

20. The Head of Department shall make his/her decision known in writing to the student normally within five working days of examining the case and report to the Vice Chancellor and the Registrar and Secretary on the outcome. If the case is dismissed the records of the case shall be destroyed. There shall be no appeal against a decision of the Head of Department in respect of a decision under 19.1, 2 or 4. A student reprimanded in accordance with 19.3 may if s/he wishes to appeal to the Vice Chancellor who will deal with the matter afresh in the same way as if referred to him/her under 19.4.

ACTION BY THE VICE CHANCELLOR

21. Where an alleged breach of discipline is brought directly to the attention of the Vice Chancellor or in his/her absence the Pro Vice Chancellor and Deputy Chief Executive s/he may refer the matter to the Head of Department for action under the above.
22. The Vice Chancellor or in his/her absence the Pro Vice Chancellor and Deputy Chief Executive may, however, take action without referring the matter to the Head of Department where s/he considers it appropriate to do so.
23. When an alleged breach of discipline is referred to the Vice Chancellor or person acting for the Vice Chancellor or when the Vice Chancellor or person acting for him/her decides to take action under paragraph 21 above, s/he shall inform the Registrar and Secretary and appoint an Authorised Officer who will within five working days of the matter being referred assemble the written evidence from the person or persons bringing the complaint against the student and evidence from the student concerned. The Authorised Officer shall be entitled to call for such papers, interview such witnesses and conduct such other enquiries into the matter as s/he may think fit.
24. The Authorised Officer will submit the evidence and a summary statement to the Vice Chancellor or person acting for the Vice Chancellor who will then decide whether to proceed further against the student. If s/he decides to proceed further s/he or another appointed member of the senior management team shall interview the student giving the student normally at least five working days' written notice. The student may be accompanied at the interview by a friend who will be a registered student of the

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University at the time the alleged offence was committed. A formal record of the interview shall be taken.

25. The letter requiring the student to attend the hearing will:
- a) state the allegations to be considered at the interview;
 - b) inform the student of their right to be accompanied by a friend;
 - c) inform the student that witnesses may be called in support of the complaint or by the student in support of his/her response and that the relevant documentation may be considered at the interview including any written statement by the student in response to the complaint. Copies of any documents to be produced relating to the complaint must be enclosed with the letter and the student required to provide copies of any documents to which they intend to refer to enable consideration to be given to them.
 - d) inform the student that he/she must provide the University with written details of all witnesses he/she intends to call in support of the complaint or in support of his/her response.
26. The Vice Chancellor or person acting for the Vice Chancellor shall deal with the case by:
- a) dismissal of the case;
 - b) warning of the student in writing of the possible consequences of any further misconduct. The warning will be placed on record in the student's file;
 - d) reprimanding the student, such reprimand to be confirmed in writing. The reprimand will state the time that it shall remain on record in the student's file;
 - e) suspension of the student provided that the period of any suspension carried out under paragraphs 8 - 11 is taken into account;
 - f) expulsion.

Where the complaint against the student(s) relates to damages caused to University or other property, the Vice Chancellor may decide to require the student to pay for the damages caused.

27. The Vice Chancellor or person acting for the Vice Chancellor shall make his/her decision known to the student in writing within five working days. If the case is dismissed the Vice Chancellor or other person shall destroy the records of the case, otherwise a formal record of the decision will be lodged with the Registrar and Secretary.
28. A student shall have the right to appeal against any decision of the Vice Chancellor or person acting for the Vice Chancellor which involves expulsion to the Governors' Student Appeals Committee.

GOVERNORS' STUDENT APPEALS COMMITTEE

29. If a student wishes to appeal against a decision of the Vice Chancellor which involves suspension or expulsion for a breach of the Code of Discipline s/he shall submit such an appeal in writing to the Registrar and Secretary within ten working days of notification of the decision being sent in writing to the student. The appeal should set out the reasons for appeal/grounds for appeal. These must relate to the conduct of the disciplinary procedure, i.e. the improper operation of the procedure and/or an inappropriate decision arising from it.
30. A Committee shall be constituted within fifteen working days of the appeal's submission in order to hear the case.
31. The Committee shall consist of three members of the Board of Governors, nor including any staff or student members.
32. The Committee will make no further enquiry into matters of fact. If new information which was not available at the time of the Vice Chancellor's or other person's decision is presented by the appellant(s), the Committee will decide whether it should be considered. The appellant(s) will be invited to submit any further written information in support of the appeal in advance to the Committee, at a date before the hearing to be determined by the Committee. Additional written information may only be presented at the Committee hearing with the Chair's agreement. Other than such new evidence the Committee will only consider the grounds for the appeal submitted by the appellant(s).
33. The appellant(s) may be accompanied by a friend who may speak on his/her behalf. The friend shall be a registered student of the University at the time the alleged offence was committed. The name of this friend must be notified in advance.
34. The Committee will normally hear the appeal as follows:
 - a) The Vice Chancellor or other person who acted for the Vice Chancellor will present his/her conclusions and decisions.
 - b) The appellant(s) (and/or friend) will have the opportunity to address the Committee in support of the grounds for appeal.
 - c) Members of the Committee will be able to question the Vice Chancellor or other person and the appellant(s).
 - d) The Vice Chancellor or other person will then sum up.
 - e) The appellant(s) will then sum up.
 - f) The Vice Chancellor or other person and the appellant(s) will then leave the room.

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35. The Committee will deliberate on the appeal as expressed by the appellant(s) and come to a decision. The Committee will consider whether to endorse the decision of the Vice Chancellor or other person or uphold the appeal against the decision or substitute such other decision of its own as it thinks fit. The decision of the Committee shall be final.
36. The decision of the Committee will be communicated to the appellant(s) in writing, within five working days of its having been made. The letter will inform the appellant of his or her right to refer to the Office of the Independent Adjudicator.
37. The Registrar and Secretary shall act as Clerk to the Committee and s/he shall be responsible for the administration of the Committee's proceedings subject to directions from time to time given to him/her by the Committee. The Registrar and Secretary shall keep records of the proceedings, and be responsible for notifying the student of the time and date of the Committee and for the circulation of relevant documents, written submissions, etc. The Registrar and Secretary may delegate this responsibility to a deputy.
38. Any decision whether by the Vice Chancellor or other person or the Committee which results in suspension or expulsion shall be reported to the Board of Governors.

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This form should be sent to the Head of Department in which the student is studying (or one of the departments in the case of joint honours students). At the same time a copy should be sent to the Registrar and Secretary's Office.

Part Two

1. Action taken by Head of Department:-

Investigation undertaken by:

Report received: (Date)

Decision of Head of Department:-

- 1. No further action
- 2. Proceed himself/herself
- 3. Refer to Vice Chancellor

2. In the case of 2 above:-

Date of Interview with student

Decision:

- 19.1 Dismissal of the case
- 19.2 Warning the student in writing of the possible consequences of any further misconduct. The warning will be placed on record in the student's file
- 19.3 Reprimanding the student formally, such reprimand to be confirmed in writing. The reprimand will state the time that it shall remain on record in the student's file
- 19.4 Referring the matter to the Vice Chancellor for action

Signed by Head of Department:

Date:

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A copy of the letter sent to the student by the Head of Department should be attached to this form and sent to the Registrar and Secretary's Office.

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3. If the case is referred to the Vice Chancellor:-

Date of Interview with student:

Decision:-

- 26.1 Dismissal of the case
- 26.2 Warning of the student in writing of the possible consequences of any further misconduct. The warning will be placed on record in the student's file;
- 26.3 Reprimanding the student, such reprimand to be confirmed in writing. The reprimand will state the time that it shall remain on record in the student's file
- 26.4 Suspension of the student provided that the period Of any suspension carried out under paragraphs 8 – 11 of the Student Code of Conduct is taken into account
- 26.5 Expulsion

Signed by Vice Chancellor or Pro Vice Chancellor

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Date:

A copy of this complete form should be sent to Helen Johnstone, Registrar and Secretary's Office, when the case has been fully investigated and decided with a copy of the letter sent to the student by the Vice Chancellor/Pro Vice Chancellor.