

## **CODE OF PRACTICE ON STUDENT DISCIPLINE (NON-ACADEMIC)**

After consultation with the Senatus Academicus, the University Court of the University of Aberdeen, at its meeting on 26 April 2023, passed the following Resolution:

1. Resolution No 212 of 2012, Code of Practice on Student Discipline (Non-Academic), of the University Court is hereby revoked.
2. The procedures to be followed in the exercise of the University's powers regarding student discipline in non-academic matters shall be as set out below.
3. This Resolution shall come into force on the date on which it is passed by the University Court.

# CODE OF PRACTICE ON STUDENT DISCIPLINE (NON-ACADEMIC)

## 1. OVERRIDING PRINCIPLES

- 1.1. The University of Aberdeen is a community that is dedicated to the advancement and dissemination of knowledge through research and education. We want to foster a safe and inclusive environment for learning and working and we are committed to having a fair and transparent process for all parties when resolving issues that may arise. These objectives can only be achieved if all members of the University community can live and work beside each other in conditions of safety and security. We expect all members of our community to behave in a positive and inclusive manner and respect the rights of others.
- 1.2. All our students (regardless of their programme of study, level, or location) are expected to uphold the values of the University and to represent the University as positive ambassadors. We expect them to treat others with respect, demonstrate positive behaviours, and to adhere to all relevant regulations and policies. In the event of a student not doing so, we expect them to take responsibility for any misconduct identified and reflect on their behaviours and actions.
- 1.3. This Code of Practice on Student Discipline (non-academic) (called throughout this document the **Code**) outlines examples of what constitutes student misconduct; the process through which reports of misconduct by students will be considered; and the possible outcomes that may be applied where reports of misconduct are upheld.
- 1.4. Throughout the Code and its supporting documents reference is made to behaviours, some of which may also constitute possible criminal behaviours, including gender-based-violence, assault, harassment, and bullying. Anyone impacted by such behaviour can find details of the support available to them on our website - [www.abdn.ac.uk/students/support](http://www.abdn.ac.uk/students/support) and may wish to seek support in advance of reading this document to understand how they can be supported in relation to misconduct they have experienced. To find more information on the support available, or to discuss the Code, please email [student.support@abdn.ac.uk](mailto:student.support@abdn.ac.uk).
- 1.5. A fundamental principle when applying the Code is to educate students who have been reported for alleged misconduct, to encourage positive future behaviours and, where appropriate, offer the opportunity to learn from mistakes they have made to avoid repeating them in the future.
- 1.6. While applying the Code, consideration will be given to other processes that the reported party may be required to undertake (such as Fitness to Practice processes (or similarly named processes at a School level) for students subject to these requirements). In cases where other processes may apply, and there is no clear approach for which would take priority, it will be for a Review Panel (Defined below) to decide the most appropriate process to commence. In some cases, multiple processes may be required, and we will normally prioritise completing one before commencing another.
- 1.7. In the Code we refer to the University Community to mean anyone who, at the point in question, was actively engaging in a direct connection to the University, including applicants; students; staff members; agents; partners; or alumni.
- 1.8. Throughout the Code, reference is made to staff roles/departments and terms which may change in name or structure from time to time. Where this is the case, we will read the Code to mean the person or entity who mirrors the function or role within the University at the time.
- 1.9. The “burden of proof” applied to cases of misconduct is the “balance of probabilities”. The balance of probabilities means that the University can decide if it believes, following its investigation, that something is more likely to have happened than not. Where misconduct is found, there is no expectation that behaviour is proven beyond doubt, but rather that it is reasonable to believe, based on the information we have, that it is more likely to have taken place than not.

## 2. WHO IS INVOLVED IN CASES OF POSSIBLE MISCONDUCT?

2.1. Several people can be involved in the process of reviewing and investigating a case of possible misconduct. The below terms are used in the Code to describe the various people and groups that can be involved:

- *The reporting party*: a person who alerted the University to the behaviour and may or may not be directly impacted by it.
- *The reported party*: the individual who has been reported as having conducted the alleged behaviour under review.
- *An impacted party*: an individual who may, or may not, have reported the behaviour but who was directly impacted by it.
- *A case manager*: a member of staff who will oversee the administration of the report from start to finish. They will coordinate the communication with parties, arrangement of investigations and Review Panel, and generally guide those involved in the process.
- *A witness*: an individual who may or may not be directly impacted by the behaviour but can provide information during a review or investigation.
- *The Investigator*: a member of staff appointed to investigate the behaviour and determine if misconduct has occurred. An investigator will be selected by the Case Manager from the list of possible investigators (Annex B).
- *The Review Panel*: the group who will hear appeals of decisions not to progress a case to the investigation stage; referrals from an investigator of cases where a possible impact on student registration is made; make decisions on the appropriate process to apply in a case where multiple policies may operate; and appeals from reporting parties. The panel will be made up of three members (including at least one Student Member) who have not been involved in the case before. Eligible members are shown in Annex A.
- *Supporters*: during any meeting conducted under the Code, anyone asked to attend may be accompanied by a single supporter. This supporter can be an AUSA representative, any member of University staff supporting the individual, or another currently registered University of Aberdeen student, if they are not involved in the case in another capacity.

## 3. WHAT IS MISCONDUCT

3.1. Misconduct can take many forms and its definition may evolve over time. It is not possible to provide a complete list of possible misconduct here and we have given some examples below.

3.2. Whether behaviour constitutes misconduct will be a decision for the Case Manager or, if required, a Review Panel. When deciding if behaviour could amount to misconduct under the Code the test applied will be to ask would such behaviour be reasonably investigated by another University.

3.3. Some examples of misconduct that come under this Code are below (this list is not exhaustive):

- Behaving in a violent, indecent, or threatening manner against any member of the University community.
- Carrying of an offensive weapon on University premises.
- Sexual violence or sexual harassment of any member of the University community. We refer to sexual violence or harassment as any sexually motivated act or activity that is unwanted by the person to whom it is directed and can be emotional or physical in nature, including coercive control.
- Harassing, bullying, or intimidating any member of the University community, or groups within our community. In this Code harassment, bullying or intimidating behaviour means any behaviour (including use of offensive language, "hate speech" or gestures) which would be regarded as such by any reasonable person. Harassment and bullying can be general and/or targeted against a specific background (such as colour, race, nationality, national origins, disability, sexual orientation, religion or belief, family circumstances, political beliefs, gender, gender reassignment, trade union membership or age) or any other unfair distinction. Harassment can also include any

- repeated, unsolicited, contact in any medium and may also include coercive control.
- Engaging in any behaviour which relates to a serious criminal offence or activity that may bring the University into disrepute.
  - Anti-social behaviour, including but not limited to excessive noise, littering on campus, or throwing items from windows on University premises.
  - Inappropriate forms of communication or engagement on a University online platform (including social media and learning platforms).
  - Inappropriate forms of communication and engagement in any group, social channel or other communications method used, or accessible, by members of our community that is focused on the University community or groups of its members.
  - Misusing, intentionally or recklessly damaging, and unauthorised use of premises or items of property (including theft) owned by the University or a member of its community, including the misuse of computer or IT equipment.
  - Infringement of copyright when copying or downloading published information.
  - Engaging in deception or other forms of dishonesty in relation to the University or a member of its community.
  - Behaving in a way which causes, or would be likely to cause, injury to any person or to impair safety. Examples will include the refusal to leave a building during a fire alarm, tampering with fire alarms, fire extinguishers, or any other fire safety device, refusing to follow the instructions of demonstrators in labs, and carrying out unauthorised experiments on University premises.
  - Deliberately doing, or failing to do, anything which causes the University to breach a statutory obligation or law.
  - Failing to follow a no contact requirement made under the Code, during the progression of an investigation or as a formal outcome of a case where misconduct is found.
  - Failing to comply with any outcome under the Code.

#### **4. WHEN DOES THE CODE APPLY?**

- 4.1. The Code will only apply to alleged misconduct that is non-academic in nature and is not otherwise dealt with in the separate Code of Practice on Student Discipline (Academic). Academic misconduct relates to conduct directly linked to assessments and academic work.
- 4.2. The University may consider an allegation of misconduct under the Code, provided that the behaviour in question meets at least one of the following criteria:
- 1 it takes place on a University premises; or
  - 2 is committed by a student engaged on a University activity; or
  - 3 it targets, or impacts directly, member(s) of the University community; or
  - 4 it relates to a serious criminal offence or activity that may bring the University into disrepute.

Whether behaviour falls under the remit of the Code will be a decision for a Case Manager or, if required, a Review Panel.

- 4.3. Behaviour will normally only be considered within the remit of the Code where it takes place while the reported individual is a registered student (including associate students), or while the student is actively engaging with the University with a view to become a registered student (for example while under the application process or while engaging in a university activity).
- 4.4. We will only regard behaviour that takes place during a break from study or after an individual graduates if the individual later seeks to register again with the University (as a new student on a new programme or to complete an existing programme) as coming within the scope of the Code. In such cases an investigation under the Code will need to be concluded before an individual is eligible to register again. Any delay in registration due to the need to investigate under the Code will not be a cause of appeal by the individual.
- 4.5. In cases where behaviour comes to the attention of the University after an individual has left the

University (through graduation, completion or otherwise) we will not be able to take any action under the Code unless the individual seeks registration again in the future.

- 4.6. Individuals staying in University accommodation owned or controlled by the University (as a potential applicant, pending registration or during a break from study) will still be subject to the terms of the Code. In some cases, behaviour may also constitute a breach of the accommodation contract. It will be for staff in University accommodation to decide whether a case is referred under the Code or can be actioned under their contract.
- 4.7. The University can only investigate behaviours where we have relevant information to do so effectively. Information could be provided through written statements; the ability of an investigator to speak with impacted parties; documents and photographs/videos/other media showing the behaviour or impact; or information provided by others who witnessed the behaviour or its impact.
- 4.8. Students who are undertaking a period of study at another location (including those on formal study abroad periods; work placements; internships, for example) will still be covered by the Code. It is likely they will also be subject to local rules in place at their host organisation. Where this is the case, the University reserve the right to extend the Code to include members of the host organisation as if they were a member of the University Community when determining whether to apply the Code.
- 4.9. Some behaviours may overlap with the processes of Aberdeen University Students' Association (**AUSA**), and it may be more appropriate for such behaviours to be exclusively investigated by the University or AUSA. In some cases, a joint approach will be beneficial and a decision on which approach to apply will be decided by the Case Manager with input from AUSA.
- 4.10. Some students will be covered by additional rules around their conduct, including those who are subject to Fitness to Practice processes at School level. It is possible that misconduct may be considered under both such processes, but this does not mean that the same outcome will be reached.

## **5. MISCONDUCT THAT MAY ALSO BE A CRIMINAL OFFENCE**

- 5.1. The University reserve the right to apply the Code to any student who has engaged in a serious criminal offence, regardless of where or against whom it has been committed. Whether a crime is serious will be a decision for a Case Manager or the Review Panel.
- 5.2. Where criminal behaviour is identified and it is targeted against University property, the University may seek to report this to the Police. Where the behaviour is targeted against a member of the University community, we will always support their decision to make a report to the Police but will never do this without their express consent – unless not doing so may put others at risk or make us breach our duty of care. We will take this approach regardless of the jurisdiction in which the misconduct occurs.
- 5.3. Regardless of any ongoing Police or Criminal Justice process, the University's default position will be to apply the Code regardless of the stage such processes have reached. Only in cases where we have a strong belief that doing so may prejudice such processes will action under the Code be postponed until an outcome is made in the justice system. This will usually be due to direct input from the Police or Crown Office and Procurator Fiscal Service.
- 5.4. In some situations, we may apply an interim outcome, pending the final decision being made following an investigation under the Code. This may be to allow additional information through the Criminal Justice process to be made available, especially in cases where we have limited access to information to make an appropriate decision (this may be particularly the case where it is important that forensic or other evidence is assessed, and the University is unable to do so through its internal processes). It may also be required to allow the University to effectively manage risk.

- 5.5. The processes outlined in this Code may be used to investigate any individuals that have been charged with a significant criminal offence, or are subject to any unspent conviction, which has occurred before their registration at the University at the point this is disclosed to us (or we become aware of this). This section of the Code will be read in conjunction with any policy related to admission and registration and can apply to applicants, offer holders and registered students.
- 5.6. For the avoidance of doubt, the University will come to a decision on the application of the Code independent of the outcome of any Criminal Justice process. The finding of guilt in the Criminal Justice process will not necessarily mean that misconduct is found, and vice-versa. It is not the role of the University to investigate crimes, or an alleged criminal offence, and our role is restricted to the investigation of potential misconduct under the Code.
- 5.7. Students are required to let the University know about any charges they receive during their period of study with us by contacting [conduct@abdn.ac.uk](mailto:conduct@abdn.ac.uk) so an assessment of risk can be completed.
- 5.8. Students who have been victim of a crime can seek support from our Student Support team regardless of the nature, or perpetrator, of the crime. You can email the team on [student.support@abdn.ac.uk](mailto:student.support@abdn.ac.uk) to seek support.

## **6. REPORTING MISCONDUCT**

- 6.1. Reports of misconduct can come from various sources. Sometimes support may be sought from a staff member about an incident that has occurred, but to ensure it is formally recorded as alleged misconduct it must be reported using one of the methods below.
- 6.2. We use the word reported throughout the Code, though behaviour may come to the attention of the University without a named reporter.
- 6.3. Anyone wishing to make the University aware of potential student misconduct can do this in one of the following ways:
  - Directly to a member of staff in our Student Advice & Support Team.
  - By emailing [conduct@abdn.ac.uk](mailto:conduct@abdn.ac.uk) with details of the report or to request to meet a member of the team.
  - By using our [Online Reporting Tool](#).
- 6.4. When alleged misconduct is reported, we will keep the reporter updated on the process throughout. This may also include providing updates through a member of relevant support staff.
- 6.5. During the progression of a case under the Code, parties will usually be asked not to contact others, especially any impacted party. This may be restricted to discussing the case with certain people or outlined more widely resulting in a total requirement not to make contact for the time the case is being progressed under the Code. Failing to follow such requirements will be regarded as an act of misconduct itself.

## **7. WHO WILL BE TOLD ABOUT CASES OF MISCONDUCT AND THEIR OUTCOMES?**

- 7.1. It will be the decision of the Investigator, or convener of a Review Panel, to decide which individuals need to be involved to come to a decision on whether misconduct has taken place. To have these conversations and exchanges it will be necessary to share details of the report that has been made and against whom it has been made.
- 7.2. During any Investigation or Review Panel, notes of meetings and any information that has been collected which forms part of the decision-making process will normally be shared with the reported party. Where notes of meetings are made these will be shared with the individual involved to confirm their accuracy before they are distributed.

- 7.3. The only exception to 7.2 will be where information is raised that may prejudice a criminal process. In cases which may not be able to proceed without the use of this information, the process will automatically be referred to a Review Panel for their consideration. The Panel will be given the information in question and will be able to decide if the case can be concluded without the information at question. Where this is not possible, an interim outcome may be issued to manage risk in advance of the formal outcome of the criminal justice process.
- 7.4. Where a reporting party, or impacted party, are involved in a case they will be entitled to know the outcome of the Investigation or Review Panel, including details of any formal outcome levied. These will normally be communicated shortly after the appeal period has ended.
- 7.5. Formal outcome letters will be copied to the Head of the relevant School(s) in which the reported party studies and any other staff member that needs to support the outcomes put in place.
- 7.6. For cases that interplay with other processes, including Fitness to Practice and cases that involve AUSA, the appropriate School lead/AUSA CEO will be informed of the situation as it progresses through the Code. Outcomes will then be shared with them to inform any subsequent processes that need to be followed. We will share information, and documents, that form part of any of the steps in the Code to ensure consistency of information across these separate processes. Such information can then be used by the staff investigating the Fitness to Practice processes/linked AUSA processes, as they see fit.

## **8. PROCEDURE IN CASES OF REPORTED MISCONDUCT**

- 8.1. Alleged misconduct can progress through four possible stages:

- Initial Review;
- Investigation;
- Review Panel; and
- Appeal.

### **8.2. Initial Review**

- 1 The Initial Review will consider the reported behaviour and establish if it falls under the Code. It is possible that a case will not progress past this stage where it does not meet the requirements of the Code.
- 2 It is possible that a referral to an alternative, or additional, process may be made at this stage, including to our Complaints Handling Process; Code of Practice on Student Discipline (Academic); Fitness to Practice Processes; AUSA processes; or our Support for Study process, amongst others.
- 3 The Initial Review will be conducted by the Case Manager and an outcome as to whether the Code applies will be reached by them, in conjunction with a Review Panel where required.
- 4 The decision of the Case Manager can be appealed to a Review Panel (and if one was used in reaching the initial decision, a new panel will be convened to hear the appeal by circulation).
- 5 The Initial Review will normally be concluded within 5 working days of the case being raised with a Case Manager.
- 6 The Case Manager will also consider any risk or safety issues during their review and will liaise with senior staff in Student Support should they believe that a formal risk assessment is needed or any emergency action under the Code may be required.

- 7 It may also be required that parties be instructed to limit their interaction with other individuals as part of this review, especially if input from a reported party is required. If such requirement is ignored by a student, this will be a form of misconduct itself.
- 8 Where a case has been put forward by a reporting individual, they will be entitled to know the outcome of the Initial Review and receive confirmation about whether a case is being progressed to investigation or not. They will also be offered the opportunity to appeal the decision to a Review Panel.

### 8.3. Investigation

- 1 Where an Initial Review identifies that a case falls under the Code, an Investigation will be carried out by an Investigator. The purpose of the investigation is to establish the facts of what has happened; collect information relating to the situation; and to speak with any parties the Investigator feels appropriate to conclude their investigation.
- 2 The Investigation will be conducted as informally as possible and will normally be concluded within 10 working days of the initial referral from a Case Manager.
- 3 In arranging meetings during an Investigation, it is possible for the Investigator to invite a notetaker to support the meeting. Anyone being met with under this process can bring a supporter as outlined in Section 2. Support can be sought throughout these processes from Student Support ([student.support@abdn.ac.uk](mailto:student.support@abdn.ac.uk)) and AUSA ([ausaadvice@abdn.ac.uk](mailto:ausaadvice@abdn.ac.uk)) and students will be signposted to these support services in correspondence issued about the investigation.
- 4 Following the conclusion of their investigation, the Investigator may:
  - Dismiss the report of misconduct and close the case.
  - Decide that, although misconduct is likely to have occurred, the matter has now been resolved through actions taken by the reported party since the alleged behaviour took place. Usually, any impacted party will directly input to this outcome.
  - Decide that misconduct did occur (especially if the reported party admits this during the process) and recommend an outcome to the reported party (Annex C). Where the reported party accepts this outcome, the case will be completed. Where the reported party does not accept this outcome, the case will be referred to a Review Panel.
  - In cases where the Investigator believes that an outcome that interrupts the reported party's student registration is required (including suspension, or exclusion of more than 1 month, and expulsion) the Investigator must refer the case to a Review Panel for ratification of the outcome.

### 8.4. Review Panel – General Points

- 1 Where a Review Panel is required, this shall be arranged as soon as possible and normally within 10 working days of it being requested by an Investigator.
- 2 At least 72 hours before the Review Panel, the reported party will be given a copy of the papers that will be provided to the Panel, including the formal outcome from the Investigation, together with any documents that were reviewed and formed part of the outcome.
- 3 The reported party will be able to submit a written statement to the Panel in advance of the review meeting, though this must be provided at least 24 hours before the Panel convenes.
- 4 The University will not provide legal or other representation for any party involved in the



proceedings brought under this Code.

- 5 Review Panels will be convened by an appropriate member of the Disciplinary Investigation Group who will always be supported by two other panel members, one of whom will be a student representative. In addition, staff members will be present to clerk the hearings and support the Panel as required by the Convener. Details on Panel membership, and the Convener, is in Annex A. Consideration to diversity of the panel will be given when selecting members, and we will ensure a gender balance on all Panels.
- 6 Panels can be conducted in person or virtually and will be designed to maximise the ability for parties to engage.
- 7 Panel membership will be shared with all parties attending the Review meeting in advance, including any additional parties that are asked to attend at the discretion of the Convener. Requests for witnesses and reporting/impacted parties to attend can be made by any member of the Panel, the Investigator, and the reported party but it will be for the Convener to decide if it is suitable for them to attend.
- 8 Where an impacted party or witness is not able to attend a Review Panel the Convener may consider an alternative method of getting their input. This could be through a meeting at an alternative time with the Panel or the provision of a written statement.
- 9 Following the Review Panel, the Panel will consider the information and reach a decision, including the appropriate outcome. The decision will be communicated to the reported party in writing, normally within 5 working days. After the appeal period has ended, and any appeal has been concluded, information will then be shared with other parties as outlined in Section 7.

#### **8.5. Review Panel – On the Day**

- 1 The Convener will introduce the parties present and provide an overview of the procedures below. Initially the Panel members, a clerk, the reported party, and the investigator can be present at the Panel.
- 2 The Convener will invite the Investigator to make an opening statement outlining the conclusion of their investigation. This statement will include reference to the information they collected as part of their investigation, which will have been provided to the Panel and reported party in advance of the meeting. The Panel may ask questions of the Investigator following their statement through the Convener.
- 3 The Convener will then clarify the precise allegation of non-academic misconduct under investigation to all parties. At this point the Convener will invite the reported party to state whether they admit or deny the case of misconduct put forward by the investigator.
- 4 The Convener will invite the reported party to make a statement. The Panel may ask questions of the reported party following their statement and the reported party may also ask questions of the Investigator at this time. Questions will always be addressed through the Convener.
- 5 Any input required from witnesses or reporting/impacted parties will be sought directly by the Panel and, depending on the case, may not include the presence of the reported party. This decision will rest with the Convener. Where a case of misconduct involves alleged sexual or personal violence, an impacted party will not be expected to share space with the reported party.
- 6 There will be a chance for all parties to ask final questions and seek clarifications on any matters with the reported party or Investigator.

- 7 The reported party will be invited to give a concluding statement at which point there will be no further opportunity to ask or respond to questions, or to provide additional information.
- 8 The Convener will conclude the hearing by outlining any next steps that the Panel need to take (which may include meeting separately with other parties) and will tell the reported party the expected timeframe for an outcome to be issued. Details of possible outcomes are contained in Annex C.

## 9. APPEALING A DECISION

- 9.1. A reported party can appeal against the decision of a Case Manager; Investigator or Review Panel, but only if there are valid *grounds to appeal*. The possible grounds for appeal, which must be evidenced when making an appeal, are:
  - the University's procedures were not followed (without the reported parties' prior approval); or
  - the person or body making the decision did not have the authority to do so; or
  - the person or body making the decision did not act impartially; or
  - the penalty imposed was unreasonable, that is, that it is one which no reasonable person, properly advised, would have imposed under this Code.
- 9.2. An appeal against a decision of the Case Manager or Investigator should be made in writing to the Case Manager within 10 working days of the decision taking place. The Case Manager will pass the appeal to a Review Panel for consideration.
- 9.3. An appeal against the decision of a Review Panel must be made in accordance with the prevailing University appeal process available on the University Website. This process is managed by our Academic Services team.
- 9.4. When an appeal is received by Registry, a Case Officer for the appeal will be appointed and receipt of the appeal will be acknowledged.
- 9.5. On receipt of the appeal, a Grounds to Proceed panel, composed of the Case Officer and two senior academic or administrative staff members (depending on the nature of the case), will review the case to determine whether there are grounds for the appeal to proceed.
- 9.6. If the appeal is deemed not to contain grounds to proceed, the appellant will be advised of this outcome within 5 working days of receipt of the appeal. The appellant will be informed of his or her right to seek independent review of the University's decision by the Scottish Public Services Ombudsman.
- 9.7. If the Grounds to Proceed Panel consider that the appeal should proceed, the original Investigator/Panel will be asked whether they wish to review their decision. If they do not wish to amend the original decision taken, the matter is to be referred to an Appeal Panel, in accordance with the University's Policy and Procedure on Student Appeals. The people who form the Appeal will not be the same as those involved in the original decision.

## 10. MANAGING CASES INVOLVING RISK OR URGENCY

- 10.1 In cases of urgency, usually determined following an assessment of risk and recommendation from a senior member of staff in Student Support Services, the Principal (or in their absence the Senior Vice-Principal or University Secretary) shall have the power to authorise immediate action to temporarily exclude or suspend the reported party from accessing campus locations (including University accommodation) or to limit their ability to remain a registered student. These powers will only be applied where the Principal believes this action is necessary to protect members of the University

community (including a reporting or reported party or impacted party) or members of the public in general.

10.2 Cases where such a request may be made to the Principal will include:

- Where bail conditions levied by a law enforcement agency restrict access to campus locations (even if this is restricted to a local area, we may consider expanding this to include the whole campus);
- Where bail conditions levied by a law enforcement agency require that a reported party does not contact another member of our community; or
- Where a risk assessment has established that the reported party's presence on campus causes, or could likely cause, harm to members of the University community (either specific individuals or wider groups) including the reported party

10.3 Reasons for the decision shall be communicated in writing, usually by email, to the reported party.

10.4 In cases where such exclusion is required, the case will immediately progress to the Investigation Stage of the Code. In the first instance the exclusion, or suspension, will normally be for a period of 10 working days to allow the Investigation to conclude. A request for an extension to this period may be made to the Principal if this is needed to conclude the investigation, or if the case needs to progress to a Review Panel.

10.5 During any period of temporary suspension or exclusion, all reasonable efforts will be taken to minimise any academic disadvantage to the reported party (e.g., provision of lecture notes, sitting exams away from the main examination locations etc.) and ensure as quick a resolution as practicable.

## **Annex A: Possible Members of a Review Panel**

- A.1 **Staff Member or Convener:**  
Any Vice Principal, normally the Vice Principal for Education.
- A.2 **Staff Member:**  
Any Head of School  
Any staff member of Senate  
Any member of School or Professional Services staff at Grade 9
- A.3 **Student Member:**  
The AUSA Student President or a nominee of their choosing (who is a member of AUSA).

## **Annex B: List of Possible Investigators**

- B.1 In most cases, Investigations will be carried out by a member of staff in the School to which the reported party belongs, appointed by the Head of School. Where alleged misconduct takes place in University accommodation, this will normally be conducted by a member of staff in working within the accommodation environment.
- B.2 Any member of University staff at Grade 6 or above can investigate allegations of misconduct if the allegations do not involve violence; sexual harassment; or sexual violence.
- B.3 A member of University staff at Grade 8 or above can investigate any case of misconduct.

## **Annex C: Possible Outcomes following an Investigation or Review Panel**

- C.1 Following an Investigation or Review Panel, which finds that misconduct has occurred, the Investigator may apply one or more of the penalties noted below. In all cases a formal recording that misconduct took place will be made on the reported party's record for the duration of their programme of study. We will also issue an outcome letter with a formal warning about the behaviour and, at a minimum, recommendations for avoiding such incidents in the future.
- C.2 For a repeated instance of similar misconduct it is usual for higher penalties to be levied, which may involve interruption to a reported party's student status.
- C.3 Where a recommendation to interrupt a reported party's student status is made, this will be automatically referred to a Review Panel for review and confirmation. The Review Panel will have the power to authorise any recommended outcome referred to them or decide that an alternative, or additional, outcome is required.
- C.4 This section outlines different outcomes that can be issued following a finding of misconduct. In some cases, the Review Panel may suggest an alternative outcome which is not noted below. In such cases the reported party will be asked to accept this alternative outcome, which in most cases will be a less severe version of a listed penalty.
- C.5 Where a reported party fails to take the steps required by their outcome, the case will be referred to a Review Panel (ideally the same composition of the original Panel) for consideration on next steps.
- C.6 A Review Panel can always decide to change a recommended outcome and their decision is final as to the ultimate outcome issued.
- C.7 An Investigator or Review Panel may decide that more information is needed before they can reach an ultimate decision or outcome. Normally this will be the need to await the outcome from a Criminal Justice Process. In such cases it will be possible for an Investigator to recommend, or a Review Panel to

apply, interim outcomes for a set period. This will normally include suspension of study and a requirement not to contact named parties in the case until a decision can be made. At the point an ultimate decision can be reached the Review Panel will reconvene (with alternative panel members if needed) to consider an outcome. It will be for the Convener to decide what, if any, additional input is needed from parties to the case and the format such input will take.

C.8 Where a student must pay costs because of an outcome being applied this will be the responsibility of the student. This also applies to any costs they incur in a return to study following a suspension or period away from campus. Costs may include, but aren't limited to, travel, visas, and accommodation costs.

C.9 Possible Outcomes:

- Reflect on their behaviour and to write a reflective letter or essay summarising their behaviour and the steps they will take to ensure it will not happen again. Approaches could take the form of an apology letter or general essay. Such work should be appropriate with the misconduct in question and will need to be deemed acceptable to the Investigator;
- Make payments to cover the cost of any damage made to property, or fees incurred by the University, because of their misconduct;
- Make a payment to another party where they have directly suffered loss as result of the Reported Party's action, and this can be clearly evidenced (for example damage to property);
- Undertake a training course or programme linked to the behaviours at question. Where this carries a cost, these will be met by the University. A period will be set by which completion of the training must be evidenced, normally not exceeding two months;
- A temporary exclusion from access to elements of University locations, activities or services for a period lasting no longer than 1 month;
- If staying within University accommodation, require the reported party to move rooms, or buildings, where this is required to support the wellbeing of flatmates/other residents;
- If staying in University accommodation, confirm that a fee may be payable (as outlined locally) for certain behaviours;
- In the academic environment, require the reported party to change arrangements to ensure they are not interacting with named individuals (this could apply for a single course, or at a Programme level, for a fixed period or the duration of the programme);
- Instruct the reported party to cease contact with another named individual, individuals, or group of people, or to direct their contact through a particular method;
- Put in place a requirement to engage in a community service activity to benefit the wider University community;
- Ask that a Review Panel be convened with the recommendation that the reported party be excluded from access to elements of the University locations, activities, or services for a period longer than one month;
- Ask that that a Review Panel be convened with the recommendation that the reported party be suspended from study for a reasonable period, normally up to 12 months. Approval from the Principal (or their nominee) can be sought where the Review Panel authorises a period that exceeds 12 months.
- Ask that a Review Panel be convened with the recommendation that the reported party be expelled from study due to the severity of their conduct. Approval from the Principal (or their nominee) will be needed for all expulsions from study;
- For cases within University accommodation, an exclusion can be recommended to apply only to their ability to reside in their accommodation. In such cases a Panel will not normally be required to ratify this outcome, and this will be actioned using the accommodation contract.

#### **Annex D - Definition of expulsion, suspension, or exclusion**

D.1 **Expulsion** is the termination of matriculated student status involving a total prohibition on attendance at, or access to, the University and on any participation in University activities. A student who has been expelled will not normally be eligible for re-admittance to the University. All requests for re-admittance following expulsion must be approved by the Senior Management Team.

- D.2 **Suspension** of matriculated student status involves a total prohibition on attendance at or access to the University and on any participation in University activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination. Suspension will be used where exclusion from specified activities or facilities is considered to be inadequate.
- D.3 **Exclusion** involves selective restriction on attendance at or access to the University or any of its services, locations, or activities. Exclusion from participation as a member of AUSA or one of its associated groups is also possible. It may also extend to restriction on access to other places such as hospital wards or school premises (where access to such places is integral to the student's programme of study or professional training). The exact details of such exclusion will be specified in writing.
- D.4 An order of expulsion, suspension or exclusion may also include a requirement that the reported party should have no contact of any kind with a named person or persons.

#### **Annex E - Determination of the case in the absence of the reported party**

- E.1 Where a reported party cannot attend the first offered time for a meeting that is required of them under this Code, they can ask for an alternative time to be offered on a different day. Given the importance of proceedings under the Code, attendance at meetings required under it will take precedence over all other University activity.
- E.2 If the reported party is unable to attend the rescheduled meeting, the case can be considered, and a decision reached in the absence of the reported party. The reported party will be invited to provide a written statement in advance where this is the case.
- E.3 Where a reported party has requested that a meeting's timing be changed to allow them to attend, they cannot subsequently use the impact that changing the time has had on their academic performance as grounds for an appeal or complaint.
- E.4 Where a reported party has not informed the Case Manager, or another staff member liaising with them about the case, in advance that they are unable to attend a meeting, it will be at the Investigator or Panel Convener's discretion to consider whether the meeting should proceed in their absence.