

Guidance on Applying Student Discipline Penalties

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A. Introduction

- i. When disciplinary panels find that a breach of [Regulation XVII \(Conduct and Discipline of Students\)](#) (“**Regulation**”) has occurred, one or more penalties will normally be applied. This document explains the meaning of each penalty and how they apply in practice. This document is intended as guidance which, whilst should be reasonably adhered to, may not address every scenario that could arise and so in some instances panels may need to depart from this guidance.
- ii. Differing penalties are available to a Summary Disciplinary Panel (“**SDP**”) and the University Disciplinary Panel (“**UDP**”) and at their associated stages of appeal (together “**Disciplinary Panel**”). The penalties available to Disciplinary Panels are listed below and repeated in Appendix One of both the [Procedure for Summary Disciplinary Panels](#) (“**SDP Procedure**”) and [Procedure for the University Disciplinary Panel](#) (“**UDP Procedure**”).
- iii. Whether a particular penalty applies to a breach of the Regulation will depend on what is found to have occurred¹. A common division is made between:
 - a. Academic malpractice – see penalties listed under section 1.
 - b. General misconduct – see penalties listed under section 2.
 - c. **Note:** where an offence overlaps with both types of offence, or a case is considering multiple offences of both categories, it may be reasonable to impose a penalty from the general misconduct list to an offence of academic malpractice, and vice versa; a panel may impose a penalty, or set of penalties, that it considers, proportionately, addresses the issues in the case overall.
- iv. Subsets of the penalties, namely 1-1-1.5 (academic malpractice) and 2.1-2.7, 2.11-2.12 (general misconduct) may be recommended by an Authorised University Officer (“**AUO**”) when seeking to handle cases through a fast-track process under the SDP and UDP Procedures.
- v. Penalties take immediate effect from the point that a Disciplinary Panel informs the student of the penalty, whether this is in writing or orally at a disciplinary meeting. A penalty will remain in effect during any appeals process; it is only at conclusion of the appeals process and at the direction of the person(s) considering the appeal that a penalty might change.

¹ Findings of Misconduct in Research may require penalties from both sections 2 and 3.

- vi. Penalties are formal measures imposed on students to address established breaches of the Regulation. Penalties available through the operation of the Regulation are distinguishable from other local or informal measures that may be taken when assessing an allegation of misconduct or which might otherwise be available under other policies or procedures e.g. a late submission mark reduction for a piece of work. Where misconduct may occur, or be occurring, staff present should feel able to remind students of behavioural expectations, ask them to identify themselves and ask them to temporarily vacate a particular area or building.

1. Penalty meanings – Academic Malpractice

Summary Disciplinary Panel

1.1. A reprimand and warning about future behaviour

The warning serves as a reminder of the University's conduct expectations. A warning may be disclosed and seen as an aggravating factor should a student be found in breach of the Regulation on a future occasion.

1.2. A requirement upon the student to apologise for the misconduct to those who may have been affected by it.

This should be imposed where a student's misconduct has affected anyone. The apology will usually take the form of a written statement. The student should be advised in the disciplinary outcome letter that the statement need not be substantial in length but it should:

- Acknowledge the misconduct.
- Accept responsibility for the misconduct.
- Explain clearly why the misconduct happened.
- Express sincere regret for the misconduct.
- Set out any steps the student will take to learn from the misconduct and avoid it happening again in the future.

The student should be given ten working days to send the statement through to the Disciplinary Panel Chair or Secretary. The statement will then be forwarded on to the affected member(s) of the University community should they wish to receive it. If the student does not provide an apology as directed, then the student may be referred for further disciplinary action for breaching 2(s) of the Regulation.

1.3. A requirement for the student to undertake appropriate training related to the misconduct.

"Training" in this context has a broad meaning. It is intended that this penalty will be applied where there is a necessity for the student to develop a deeper understanding of the misconduct and demonstrate a commitment to learning from it. Training should be directed by the Disciplinary Panel that imposed the penalty; the training itself will be dependent on the nature of the misconduct and availability of the training. Disciplinary Panels should therefore give students a reasonable timeframe in which to undertake the training and expect a student to confirm when it has been completed.

Examples of training may include:

- Undertaking a drugs, alcohol, consent or bystander awareness course.
- Attending a meeting with an Academic Malpractice Officer to develop understanding around academic writing.
- Attending a meeting of a community group who may have been affected by the student's misconduct.
- Producing a reflective statement to demonstrate that the student has learnt from the incident.

- Undertaking a course via the library: <http://www.library.manchester.ac.uk/using-the-library/students/training-and-skills-support/my-learning-essentials/>
- Reviewing online materials.

Failure to act on the penalty may lead to the student being referred for further disciplinary action for breaching 2(s) of the Regulation.

1.4. For any penalty available to be deferred and only imposed should any future breach of the Regulation occur.

This will allow a Disciplinary Panel to specify a penalty within its remit, but not require it to be immediately applied. The intention is to allow a panel to identify a proportionate penalty but, due to a unique factor in a case (e.g. financial hardship) and/or to have a deterrent effect, the penalty is deferred. However, if a student is found to have breached the Regulation in the future, the penalty will likely be applied by the subsequent Disciplinary Panel. Only in exceptional circumstances should a future Disciplinary Panel not implement the deferred penalty e.g. the offences are of a significantly dissimilar nature (sexual misconduct v. plagiarism)

Example One: a second year student is found to have committed academic malpractice in an assignment worth 100% of a 20 credit unit. The Disciplinary Panel consider that the student should receive a mark reduction of 20% for the assignment, but that based on the information available to them, the Disciplinary Panel agree that it would be proportionate to defer the mark reduction and for the assignment to receive a mark as per the usual marking process. If a future offence arises, the mark reduction will be applied to the assignment alongside the penalty for the future offence.

Example Two: for a first offence of disorderly behaviour in halls of residence, a student is given a £500 fine but recognising evidence of a student's financial difficulties, the Disciplinary Panel state that the fine should be deferred. The student is later found to have breached the Regulation by posting offensive comments online. Along with a penalty for the second offence, the second Disciplinary Panel also apply the £500 fine for the first offence.

1.5. The examining authority will be informed the mark for the piece of work or assessment should be reduced.

Disciplinary Panels are empowered to direct the mark to be awarded to a student for an assessment in which malpractice has been found to exist. The reduction is for the Disciplinary Panel to specify in view of all the information available. The extent of the malpractice may be a good indicator of a potential reduction amount. This is a common penalty for more minor matters or malpractice occurring at an early stage of study.

Where the original piece of work has not received an indicative mark, a Disciplinary Panel can still specify a reduction amount and pass the outcome back to the Examination Board to ratify the final mark. A Disciplinary may consider it appropriate to set a mark to a particular amount; in doing so it should be mindful of pass marks, compensation allowances and re-sit opportunities. The Disciplinary Panel may opt to include a condition to the latter option that if the work is subsequently marked, and the mark is lower than that applied by the Disciplinary Panel, that it is the lower mark which takes precedence.

Example One: a Disciplinary Panel is informed that a first year undergraduate has plagiarised in their coursework; it is worth 10% of a 10 credit unit. The plagiarism is estimated to amount to 10% of the coursework. The coursework has an indicative mark of 62%. Given the amount of malpractice, and in view of the student's early year of study, it is directed that the coursework is reduced by 10 percentage points to reflect the amount of plagiarism found in the coursework; the student's mark for the coursework is therefore recorded as 52%.

Example Two: a Disciplinary Panel finds that a first year undergraduate student has been found with writing on their arm during the first attempt of a mathematics examination. The text contained two mathematical equations. The student obtained a raw mark of 41% in the examination. In the knowledge that the student will need to re-sit the examination, the Disciplinary Panel apply a reduction of 20 percentage points dropping the mark to 21%.

1.6. A recorded mark of zero for the examination paper or other assessed work in which unfair practice occurred. Should a re-assessment/resubmission opportunity be available or required this will, if passed, be capped at the lowest compensatable fail mark.

A mark of zero in this context only applies to a single examination paper or piece of coursework, although the penalty will apply to a full unit where the unit is only evaluated by the one assessment. This is a common penalty for early offences of academic malpractice.

The Disciplinary Panel should consider whether the student has an opportunity for re-assessment (or resubmission). If they do, then the student will be able to undertake the re-assessment as directed by their academic School, normally at the next available opportunity and with any resultant fees payable by the student. Students must meet the pass mark and are only eligible to obtain the lowest compensatable fail mark e.g. 30%. It can be better for a student to undertake a re-assessment where available as this will allow a student to demonstrate the intended learning outcomes and to obtain a fail mark to factor into their unit average.

However, it may be that a re-assessment opportunity is unavailable e.g. academic malpractice has occurred in a re-assessment, the student is in their final year of an undergraduate programme or reassessment is denied through the application of penalty 1.11. In such situations, credit will not routinely be lost because of this penalty where the assessment is a part component of a unit. The other components of assessment may also allow a student to demonstrate learning, still reach the pass mark for the unit or to fall within the compensation zone for the unit. However, where the assessment is the only one across the full unit, it will be for the Examination Board to determine whether the student is eligible for compensated credit or any alternative option open to the Examination Board.

Example One: A student in their third and final year of a law degree (with honours) is found to have plagiarised an element of their coursework (worth 10%) of a 20 credit unit. The student receives a penalty of mark of zero for the coursework. A re-assessment opportunity does not exist because the student is in their final year. As the coursework is a part component of the unit, then they can retain credit for this assessment, but their end result for the unit overall is dependent on their performance in the other components of assessment within the unit.

Example Two: A student studying on an MEng(Hons) programme is found to have possessed unauthorised material in the first sit of an examination (worth 33%) for a 15 credit unit from their second year. The student receives a penalty of a mark of zero. As a re-assessment opportunity exists, the student will need to retake the examination in the next available examination period. The student will need to meet the pass mark, and if they do, a mark of 30% will be recorded for the examination and used to calculate the student's result for the unit.

1.7. A recorded mark of zero for multiple components of assessed work (to be specified by the panel) within the unit where unfair practice occurred. Should a re-assessment/resubmission opportunity be available or required this will, if passed, be capped at the lowest compensatable fail mark.

A mark of zero in this context applies to as many examination papers or pieces of coursework that a Disciplinary Panel identify within a single unit. This penalty would only be applicable if there are at least three or more pieces of assessed work within a unit. This may be a useful penalty to apply if there is a need to escalate a penalty from a lesser penalty due to aggravation

(e.g. a repeat offence) but where expansion of a mark of zero to a full unit is viewed as disproportionate.

The Disciplinary Panel should consider whether the student has an opportunity for re-assessment (or resubmission). If they do, then the student will be able to undertake the re-assessment as directed by their academic School, normally at the next available opportunity and with any resultant fees payable by the student. Students are only eligible to obtain the lowest compensatable fail mark e.g. 30%. It can be better for a student to undertake a re-assessment where available as this will allow a student to demonstrate the intended learning outcomes and to obtain a fail mark to factor into their unit average.

However, it may be that a re-assessment opportunity is unavailable e.g. academic malpractice has occurred in a re-assessment, the student is in their final year of an undergraduate programme or reassessment is denied through the application of penalty 1.11. Credit will not routinely be lost because of this penalty where the assessments are a part component of a unit. The other components of assessment may allow a student to demonstrate learning, still reach the pass mark for the unit or to fall within the compensation zone for the unit.

Example One: A postgraduate taught student is completing a 15 credit unit in their second semester that is comprised of coursework (worth 10%), an online quiz (worth 10%) and a presentation (worth 80%). The coursework is established to contain plagiarism but the other assessments are unaffected. This is the student's second offence; they previously received penalty 1.5 (mark reduction) in a piece of coursework in the first semester. The Disciplinary Panel view this as an aggravating factor, but in factoring in other mitigating factors, apply a mark of zero to the current piece of coursework and online quiz.

1.8. A recorded mark of zero for the course unit in which the unfair practice occurred, with the allowance for a student to retain credit subject to their compensation limit not being exceeded. Should a re-assessment/resubmission opportunity still be required for programme requirements it will, if passed, be capped at the lowest compensatable fail mark.

A mark of zero for this penalty applies to a full unit, regardless of whether it is comprised of one or more assessments. Compensation in this regard means compensation for the purposes of progression or an award and special compensation (for level 6 and 7) of a final year or Integrated Masters programme.

The penalty will allow a Disciplinary Panel to direct that a student retains credit for the unit from their compensation allowance but does not allow the student to go above this allowance. This is to ensure that they have no additional compensated credit allowance beyond students who may have just failed an assessment. If applying this penalty, Disciplinary Panels should be mindful of the balance of consistency and fairness for the wider programme cohort and proportionality for the individual student.

This penalty may be helpful for Disciplinary Panels to give students a clearer conclusion for a case under consideration, where the student does not have a reassessment/resubmission opportunity, but where there might be some mitigating factors.

Example One: A third year undergraduate in Economics has committed examination malpractice. The examination is worth 50% of the unit; the student's coursework component is unaffected. This is the student's second offence; the first being one of plagiarism from their second year. The Disciplinary Panel consider that the materials would have given the student some, but not a significant benefit, in the examination. The Disciplinary Panel also take account of the student's mitigating circumstances at the time. In light of these factors, and due to there being no reassessment opportunity, the Disciplinary Panel apply a zero for the unit but consider it would be proportionate for the student to retain credit through special compensation i.e. the

student can receive credit for the unit provided they have passed at least 80 credits at the level of their award.

Example Two: A Postgraduate Taught student has found to have committed plagiarism in their 60 credit Dissertation. The amount of malpractice indicates to the Disciplinary Panel that zero is proportionate, but balanced against this is that the inability to resubmit would seem disproportionate. The Disciplinary Panel apply this penalty but provide the student with the opportunity to resubmit; they need to meet the pass mark but the most they can attain in the resubmission is the usual capped mark.

1.9. A recorded mark of zero for the course unit in which the unfair practice occurred, with the student losing credit. Should a re-assessment/resubmission opportunity be available it will, if passed, be capped at the lowest compensatable fail mark, and the student can regain the lost credit.

A mark of zero for this penalty applies to a full unit, regardless of whether it is comprised of one or more assessments.

The penalty will mean that a student cannot receive credit from their compensation allowance, which in turn may affect on their ability to progress or obtain a particular award. Their only opportunity to regain credit would be through a reassessment/resubmission opportunity if one is available. If applying this penalty, Disciplinary Panels should be mindful of the balance of consistency and fairness for the wider programme cohort and proportionality for the individual student.

This penalty may be appropriate where there are some aggravating factors and/or where the assessment comprises a large component of a unit and the student has failed to demonstrate expected learning outcomes, so that it may be unfair to give them a mark or credit, or that it is necessary for the student to undertake reassessment (if such an opportunity exists).

Example One: A third year undergraduate in Engineering has been found to have committed plagiarism and falsified results in coursework worth 100% of a 30 credit unit. The Disciplinary Panel identify a number of aggravating factors, such as this being a repeat offence and the scale of the malpractice, and consider that the student should not receive a mark or credit for the unit. In the absence of a resubmission opportunity, this means that the student is unable to obtain their full degree.

Example Two: A second year undergraduate in Chemistry has been found to have committed examination malpractice in a second semester examination worth 90% of the unit. This follows a similar offence that occurred in the first semester of second year. The Disciplinary Panel apply a mark of zero for the full unit in awareness that the student will need to re-sit the examination again for a capped mark.

(Additional penalties open to all cases considered by Faculty-based SDPs or equivalent e.g. Division of Campus Life, but not School-based SDPs)

1.10. In conjunction with any other penalty, an opportunity for resubmission or re-assessment shall only be permitted for the purpose of obtaining credit.

A Disciplinary Panel may apply this penalty, where it considers it reasonable that a student undertakes a re-assessment to allow them to gain credit but does not consider it proportionate for the student to gain the benefit of a mark for the re-assessment. This may be applicable if the Disciplinary Panel consider it fair to allow a student to progress on their Programme or meet professional body requirements. The student will still need to meet the pass mark in the re-assessment, but the mark identified by the Disciplinary Panel will be that which factors into the student's average.

Example One: a second year student receives a mark of zero for a unit's assessment which was found to contain malpractice. The student was eligible for a re-assessment, but to account for other aggravating factors in the case, the Disciplinary Panel permitted the usual re-assessment for credit purposes only. The student passed the re-assessment with a mark of 55% and was able to gain the credit and continue on their programme. However, their transcript recorded the mark of zero.

1.11. Not allowing the student an opportunity for re-assessment in, or resubmission for, the piece of work or course unit(s) in which the unfair practice occurred.

Even if a student might usually be eligible for a re-assessment or resubmission opportunity as part of their programme, this penalty removes that opportunity. This will usually leave a student with the assessment or unit mark which has been obtained (or directed by the Disciplinary Panel) at the end of the disciplinary process. This penalty may work in combination with 1.6 – 1.9.

Example One: a postgraduate taught student has submitted a dissertation found to contain extensive academic malpractice. The Disciplinary Panel apply a mark of zero but consider that the scale of the malpractice is so serious that the student should not have a resubmission opportunity. The student exits with a Postgraduate Diploma.

University Disciplinary Panel

1.12. A recorded mark of zero for all examination papers and other assessed work taken during the examination period (e.g. end of first semester (January); end of second semester (May/June); resit (August/September)) in which unfair practice occurred.

A mark of zero in this context applies to the assessment period identified by the Disciplinary Panel. Even if the malpractice relates only to one unit, the penalty will apply to all assessments taken during an assessment period. The student will lose any credit and will only be able to regain this if reassessment opportunities would usually exist.

Example One: a third year student is found to have possessed unauthorised material in two semester one examinations. Due to the severity of the malpractice, the Disciplinary Panel directs that all of the semester one assessments (accruing to three 10 credit units) receive a mark of zero. The student will have no re-assessment opportunity for the examinations, but is eligible for compensation. The student is still able to work towards their intended degree award but their average is significantly affected by the penalty.

1.13. A recorded mark of zero for all examination papers and other assessed work taken during the academic year.

A mark of zero in this context applies to the academic year identified by the Disciplinary Panel. Even if the malpractice relates only to one unit, the penalty will apply to all assessments taken during an academic year. The student will lose any credit and will only be able to regain this if reassessment opportunities would usually exist.

Example One: a fourth year integrated Masters student is studying two units that run across the academic year, and malpractice is found to exist in both. The Disciplinary Panel considers that it would be proportionate to record the entire year's assessments as zero.

1.14. Require the examining authority to reduce the class of degree by one or more classes from that which would have been awarded on the basis of the student's academic progress, or to award a lesser qualification.

A Disciplinary Panel may not always be equipped with the knowledge of a student's likely degree award e.g. a first year student's end of year mark profile may not be indicative of what they may

achieve in subsequent years, but this may be clearer in later years of study. In applying this penalty the Disciplinary Panel needs to specify the number of degree class reductions or the lesser qualification and, if the information is available, show an awareness of how this may affect a student.

Example One: a Masters student has been found to have committed malpractice in a 60 credit Dissertation. The other units are unaffected. The Disciplinary Panel directs that the student exits with a Postgraduate Diploma. This will not, however, affect the student's eligibility for an academic transcript showing their results to the point at which the penalty took effect.

Example Two: a Postgraduate Research student is found to have committed malpractice in their thesis. The Disciplinary Panel directs that the student exits following the opportunity to write up for an MPhil.

1.15. The student being required to exit the University early following a final opportunity at assessment, in order to accumulate the credits, or meet the academic requirements, for a specified exit award.

This may be applicable where a student has been found to have exhibited serious or repeated misconduct or malpractice and the University wishes to end the student's registration with the University, but the Disciplinary Panel considers it proportionate to allow the student a final, upcoming or recently passed, opportunity (i.e. without any further re-assessment opportunities) to work towards, and/or be assessed for, their closest exit award. The Disciplinary Panel needs to confirm the intended exit award.

Example One: a second year Undergraduate student has been found to have committed serious misconduct in relation to another student on their programme during their second semester. As the student is close to completing their semester two examinations, the Disciplinary Panel permits the student to attend these so that they might have an opportunity to satisfy the requirements for an Undergraduate Diploma. The student then exits the University after the Examination Board confirm his results.

Example Two: a Postgraduate Research student's work submitted for their second year progress review is found to contain malpractice. The Disciplinary Panel apply this penalty directing that the student can have a final opportunity to submit their work for an MPhil award, rather than for a PhD award.

1.16. A requirement that a student repeats a component, or components, of their studies, with or without attendance, in a subsequent academic year.

This penalty may be appropriate to apply in cases where a Disciplinary Panel have been presented with substantial evidence by the student of credible and compelling mitigating circumstances that existed at the time the misconduct occurred. The Disciplinary Panel can direct the most appropriate re-entry point for the student, whether the student should study with or without attendance and whether the re-entry is for the purpose of academic assessment afresh or re-assessment. Usually, this penalty will lead to students re-entering from the start of a specified semester and will lead to students undertaking units again in full (with any financial costs to be met by the student). It should be noted that this penalty may require further information from a student's School to understand its feasibility.

It will be open to the student to accept this outcome if it is possible. However, should they not accept the outcome (e.g. they do not wish to come back to study), this may lead to the student exiting with an appropriate award.

1.17. Exclusion from the University (or part thereof). This is a time-limited sanction which allows the student to remain a member of the University.

This penalty should be applied when a Disciplinary Panel considers that it is proportionate to restrict a student's access to parts or benefits of the University or to members of the University. The exclusions may vary depending on the circumstances of a case and so a Disciplinary Panel has a wide discretion to specify what the exclusion includes. In considering exclusions, the Disciplinary Panel may need to seek information from colleagues within the University to determine the effect and feasibility of such restrictions. The use of this penalty for academic malpractice is rare, but may be an appropriate sanction where a Disciplinary Panel do not consider expulsion to be proportionate or have identified that the student requires time away from their studies.

Exclusions should normally be limited to a maximum duration of 12 months. However, there may be circumstances in which it is necessary to extend this duration. For example, if the exclusion is a complete prohibition on a student engaging with their studies and it is applied partway through a semester, then the Disciplinary Panel may direct that the exclusion lasts for longer than 12 months to coincide with the start of a later academic year.

If a student is residing in a halls of residence and is then excluded from it, then the Head of Residential and Sport Services will likely be asked to issue the student with a Notice to Terminate the student's accommodation contract. Whilst the accommodation contract remains in effect the student may be required to relocate elsewhere in University approved accommodation. The student will, however, be permitted time (to be arranged through their Residential Life Team) to collect their possessions and vacate their room.

Failure to abide by the conditions of the exclusion may lead to further disciplinary action.

Example One: During the second semester, a second year Undergraduate student (X) was found to have harassed another second year Undergraduate student (Y). X and Y were in the same halls of residence but on a separate degree programmes. The harassment occurred in the central library, learning commons and halls of residence. The Disciplinary Panel decide that X should be excluded from their halls of residence, the central library and learning commons for a period of 12 months. The Disciplinary Panel apply these restrictions with the awareness that X will not be prevented from continuing his studies, also identifying another study space that they might use.

1.18. Expulsion from the University, which means the student shall have their registration terminated and will lose all rights and privileges of that registration and of any future relationship with the University.

At the point that a student is expelled they will no longer be a member of the University. This will normally have the following consequences:

- Deactivation of the student's card, which will include an inability to access University buildings (including halls of residence). It should be requested that the student returns the card for disposal or that they dispose of it themselves.
- Removal of access to IT services (this will normally take effect 20 working days after the student's Campus Solutions record is updated; this time can be used by the student for the purpose of pursuing an appeal).
- The student not being entitled to participate in their academic studies (including undertaking assessments).
- The student not being permitted to graduate or attend an awards ceremony or become an alumnus.
- The student not being permitted to re-enrol at the University for a future programme of study.
- An expelled student will normally be entitled to their academic transcript and degree award at the point that they are expelled (subject to ratification by an Examination Board). However, if the Disciplinary Panel considers it proportionate based on the circumstances of a case, it can direct that the student exits without an award.

If a student is residing in halls of residence when they are expelled, then the Head of Residential and Sport Services will be directed to issue the student with a Notice to Terminate the student's accommodation contract.

If a student requires support after being expelled, then they should seek this from their Supporter e.g. [Students' Union Advice Service](#). Access to University support services will become limited after an expulsion. However, where there is a credible need for support, the student may be signposted to contact the [Counselling Service](#) for an appointment, either in person (if permitted by the Disciplinary Panel) or by phone.

The student will also have limited contact with staff after the disciplinary meeting. It is therefore expected that the Disciplinary Panel Secretary will, insofar as practical, act as the / one of the main single points of contact at the University for the student. This is not however intended to limit the student's ability to pursue appeal options for which a separate point of contact exists.

Example One: during the first semester of second year, a student is excluded for serious misconduct. As specified above, this causes the student to lose all rights and privileges associated with being a student at the University. The student is able to speak with the Counselling Service after the disciplinary meeting and decides to accept the decision. The student is later issued with an Undergraduate Certificate and an academic transcript.

2. Penalty meanings – General Misconduct

Summary Disciplinary Panel

2.1. A reprimand and warning about future behaviour

See 1.1 for explanation.

2.2. A requirement upon the student to give an undertaking as to their future good conduct within the University

An undertaking is a requirement that the student does not breach the University's conduct expectations in the future. It may be imposed where it is considered necessary to place more of an onus on the student to display good conduct. If a student is brought before a Disciplinary Panel in the future, and they have an undertaking on file from a previous offence, then they may also be disciplined for breaching 2(s) of the Regulation.

A Disciplinary Panel should draw out any expectations and details that are to be included as part of the undertaking. These will likely be case dependent. For example, if a student was found to be using their University email account for personal reasons, they may need to undertake not to do this in the future.

2.3. A requirement upon the student to apologise for the misconduct to those who may have been affected by it.

See 1.2 for explanation.

2.4. A requirement upon the student to remove any material (either physical or electronic) associated with the misconduct.

This may apply where a student has made available material that has led to a finding of misconduct e.g. an offensive social media post. The Disciplinary Panel must state the amount of time that the student has to comply with the penalty. This will usually be a maximum of ten working days to remove the material and to confirm to the Disciplinary Panel Chair or Secretary

that they have complied. Evidence of the compliance may be requested from the student. Failure to remove the material as required may lead to the student being referred for further disciplinary action for breaching 2(s) of the Regulation.

2.5. A requirement for the student to undertake appropriate training related to the misconduct.

See 1.3 for explanation.

2.6. A requirement upon the student to pay for any damage to property they may have caused or to make restitution to the University, or another individual, for any loss they may have suffered arising from the student's misconduct.

If damage or loss has arisen, then it is expected that this will be quantifiable e.g. a receipt to show the cost of rectifying the misconduct. The value of the detriment will be on a case-by-case basis. A Disciplinary Panel may use actual value of the detriment to the University, rather than replacement cost, in the amount it sets. The Disciplinary Panel may take into account depreciation when setting the amount. A Disciplinary Panel may direct that the recompense is only partial to show proportionality e.g. the cost to replace a broken table is £100 but the value of the broken table was only £80 so the latter amount is imposed.

The requirement to pay will be communicated to the University's finance team who will apply the charge to the student's record and will act as the student's contact for the charge thereafter. An expected date for payment will usually be set by the Disciplinary Panel but this will be managed by the finance team, who may vary the payment period after adding the debt to the student's account. If a student later has any difficulties in meeting the charge, then they should speak with the finance team to arrange a payment plan. If a student is appealing the penalty, then the student may wish to request that the finance team defer the payment date until after the outcome to their appeal has been confirmed.

Students may be asked to confirm to the Disciplinary Panel Chair or Secretary when they have paid the charge. Failure to pay may put the student in breach of 2(s) of the Regulation but it will not prevent a student from graduating. However, a student will have a negative service indicator placed on their record and the University will look to recoup any loss during their studies, continuing until after graduation, including through third party collection agencies.

2.7. A fine of not more than £500 (SDPs) or £1000 (UDPs).

Fines are not intended to recompense the University as with 3.6 above; they are penalties which reflect punishment for the misconduct. The amount may vary depending on the seriousness of the Regulation breach. A Disciplinary Panel should enquire with a student about their financial circumstances before a fine is imposed to help determine whether a fine is appropriate, and if so, how long a student should be given to pay.

Most fines are intended to be used by the University to benefit the wider student experience e.g. [the Living Cost Support Fund](#).

In applying this penalty, Disciplinary Panels should advise the student how payment is expected (e.g. invoice from the finance team, donation via [Alumni Relations](#)) and a reasonable timeframe for making the payment. Students should confirm to the Disciplinary Panel Chair or Secretary when they have paid the fine. Failure to pay may put the student in breach of 2(s) of the Regulation but it will not prevent a student from graduating. However, a student will have a negative service indicator placed on their record and the University will look to recoup any loss during their studies, continuing until after graduation, including through third party collection agencies.

2.8. A requirement upon the student to undertake specified tasks or services for the benefit of the School or hall of residence or the University community up to a maximum of forty hours.

This penalty should be applied where there might be a need for the student give back to the community affected by the misconduct. "Community" in this context means the community at large and not just the University or its members. The Disciplinary Panel must specify the hours that the student needs to complete (this will vary depending on the seriousness of the misconduct), and the Disciplinary Panel should give an indication to the student as to what tasks or services are expected from the student. A reasonable timeframe for complying with the penalty must also be confirmed to the student (e.g. you will have four months to complete forty hours of tasks for your halls of residence). The tasks or services should usually be unpaid.

The onus is on the student to arrange to undertake the tasks or services, although assistance may be sought from the Disciplinary Panel Chair or Secretary. An element of discretion will need to be delegated to the Chair and Secretary as, if the tasks or services specified by the Disciplinary Panel prove difficult for the student to arrange, then they may need to be amended.

Examples of tasks or services have in the past included:

- Working at a charity shop.
- Volunteering at a local School.
- Assisting with a University open day.
- Helping to tidy the University estate.
- Library shelving.

The student must complete the [Community Service Record](#) to monitor the tasks or services. As explained in the Community Service Record, at the conclusion of the tasks or services, the student should write a report evidencing the work that they have done and reflecting on it. The report should be returned to the Disciplinary Panel Chair or Secretary who will evaluate whether the student has satisfactorily complied with the penalty. Failure to act on the penalty may put the student in breach of 2(s) of the Regulation.

2.9. A temporary suspension (full or partial) of access to a specific on-campus location (for example, a laboratory, a library), facility or participation in a University-related activity (e.g. sports club).

This penalty may be applied where misconduct has occurred within a specific location on campus (for example, disruptive behaviour in a laboratory or a library), facility (e.g. IT-related) or as part of a University-related activity (for example, disorderly behaviour during a sports club social activity). A panel may identify this penalty as appropriate where the individual concerned would benefit from some separation from the location/activity linked to the misconduct. This penalty may also be appropriate where safeguarding is a concern (for example, when needing to temporarily limit the potential for physical contact between individuals). Where appropriate/applicable, particularly in regard academic study, the penalty should continue to allow virtual or remote access to the same or alternative resources.

This penalty does not extend to preventing access to a student's own flat or room in University (or University-leased) halls of residence as this is governed by the student's accommodation License Agreement (see 2.10 below). Neither does it extend to non-University settings e.g. third-party bars.

In most cases, the wording of temporary in this penalty will mean for periods of up to a month in duration. A Disciplinary Panel will identify the duration and will only extend this in appropriate circumstances (e.g. to correspond with a particular date in close proximity to the one-month timeframe e.g. to resume access on a Monday, or in agreement with the student). If exclusion for a longer period is considered necessary a Disciplinary Panel should consider applying penalty

2.14 (if it is the University Disciplinary Panel) or referring the case to the University Disciplinary Panel (if it is a Summary Disciplinary Panel).

A full suspension shall mean no access or participation for the identified duration. A partial suspension will mean that access / participation may be permitted subject to conditions (e.g. you may access the library between these hours).

Example One: a student has been participating in a football match and owing to their disorderly behaviour complaints were received from the competing team. The Disciplinary Panel considered that it was necessary for the student to have a temporary break of two weeks from the football team to allow them to reflect over their behaviour.

Example Two: a student has been visiting a halls of residence block that they do not live in and has been found to have been causing a disturbance to residents who live there. The student has friends that live in the block. The Disciplinary Panel identify a 4-week period of suspension to stop the student being able to access their friends' block. This does not prevent the student from seeing his friends outside of the residence and it does not prevent them from accessing their own residence.

2.10. A recommendation to the Head of Accommodation Administration Services to issue the student with a Notice to Terminate their accommodation Licence Agreement in University owned and leased Halls of Residence.

This penalty should be applied when misconduct has occurred in Halls of Residence that breaches the University's [Terms and Conditions of Residence](#) (i.e. the accommodation contract) and where removal from Halls of Residence is deemed proportionate to the misconduct, such as to protect other individuals, property damage and disruption.

This penalty will not lead to a student leaving University accommodation immediately, as the notice period set in the Licence Agreement needs to be adhered to. However, depending on the availability of other rooms in halls, a student may be temporarily transferred to alternative accommodation until the notice period has ended.

Example One: student x attends a Disciplinary Panel for a third offence of various forms of misbehaviour in halls. The Disciplinary Panel identify that the student is not adjusting their behaviour or learning from the disciplinary process and so should be required to leave their accommodation.

2.11. A requirement of no contact (direct or indirect) from the student to any individuals identified by the panel.

Commonly, this will mean a student must not contact by any means (such as by phone, in writing, in person, via social media, through another party etc) a person identified by the panel. Disciplinary Panels may impose this to protect another party, such as a person who has been affected by the student's misconduct. A Disciplinary Panel may specify any duration for this penalty up to the point at which the student is no longer a student at the University.

It is acknowledged that students may, by chance, encounter the other party on campus. In such scenarios the student subject to the penalty should leave the vicinity of the other party upon realising this.

Panels should consider any issues that may affect the operation of this penalty e.g. both parties being on the same programme. The penalty is not intended to exclude a student from accessing their studies and so alternative arrangements may need to be considered for the penalty to operate e.g. for students to attend different seminar groups. If exclusions appear necessary, penalty 2.9 or 2.14 may be appropriate.

In some circumstances, where an issue extends to a wider group of individuals, the Disciplinary Panel may require a student to not contact an identified group e.g. a specified flat in halls.

Example One: student x has been found to have committed sexual misconduct against student y. Both parties will be students at the University for another year of study. The Disciplinary Panel directs student x to have no contact with student y whilst registered at the University.

Example Two: student x is found to have sent aggressive emails to a member of staff in his local support team. The Disciplinary Panel identify that student x should not have any direct contact with the member of staff moving forward, but that the School will need to confirm a new contact address for the student so that he is not without local support.

2.12. For any penalty available to be deferred and only imposed should any future breach of the Regulation occur.

See 1.9 for explanation

University Disciplinary Panel

2.13. The student being required to exit the University early following a final opportunity at assessment, in order to accumulate the credits, or meet the academic requirements, for a specified exit award.

See 1.13 for explanation.

Note that this penalty may be applied in a case of general misconduct. For example, if a Postgraduate Research is found to have committed serious misconduct, the University Disciplinary Panel may apply this penalty directing that the student can have a final opportunity to submit their work for an MPhil award, rather than for a PhD award.

2.14 Exclusion from the University. This is a time-limited sanction which allows the student to remain a member of the University.

See 1.15 for explanation.

2.15 Expulsion from the University, which means that the student shall have their registration terminated and will lose all rights and privileges of that registration and of any future relationship with the University.

See 1.16 for explanation.

3. Considerations for penalty application

3.1. General

3.1.1. There may be many factors that influence what a Disciplinary Panel considers to be the most appropriate penalty to apply to a breach of the Regulation. Cases should be approached from an individual perspective, although past cases may also be helpful. Below is a non-exhaustive list of what a Disciplinary Panel may consider when determining a penalty:

- The student's level of study and time spent at the University; the more advanced the student, the more aggravated the offence.
- The scale of the offence; the more work or people affected, the more aggravated the offence.

- The student's previous history; a subsequent offence, when a student has already been through a formal disciplinary process in the past, is more serious than a first offence. Note: where a student is known to have committed an offence during a previous programme of study, the later offence will not be viewed as a subsequent one, but the student having been through the disciplinary process before may be an aggravating factor in setting a penalty.
 - Whether the student exhibited any intent to deceive, such as in a piece of academic work or in the hearing itself. These are aggravating factors.
 - Whether the student has shown any remorse, contrition or insight. These may mitigate any penalty applied
 - Whether the student has been open and transparent e.g. in accepting the allegation.
 - Whether there any other mitigating factors of a personal nature that have been established by the student (see 4.2 below).
 - The necessity to protect other members of the University.
 - The effect of the penalty on the student's intended progression on their programme.
 - Any action that may have been taken which has already penalised the student e.g. a court conviction, eviction from their halls of residence, should be considered in its determination of a penalty.
- 3.1.2. Unless specified by a definition of misconduct, a student's intention relating to the committal of the offence will be more pertinent to the setting of a penalty rather than a finding of misconduct. For example, an intention to commit malpractice does not need to be shown to find a student has committed malpractice – intention may however be relevant when a panel identifies a penalty.

3.2. Mitigating circumstances

- 3.2.1. Mitigating circumstances in the context of student discipline means factors that may cause a Disciplinary Panel to consider applying a lesser penalty. Mitigating circumstances do not justify an offence. Mitigating circumstances are often factors that may have had some bearing on the committal of misconduct.
- 3.2.2. Mitigating circumstances are not necessarily circumstances that have affected a student's academic performance, such as the meaning of mitigating circumstances described under the [Policy on Mitigating Circumstances](#) or the [Change of Circumstances for Postgraduate Research Students Policy](#). However, the examples of mitigating circumstances outlined within the policies above may be considered by a Disciplinary Panel as a mitigating circumstance if the Disciplinary Panel considers them to be relevant. Mitigating circumstances must normally be unpreventable and unforeseeable and which had a significant effect on the student concerned.
- 3.2.3. The onus primarily rests with the student to make known, with supporting evidence, to a Disciplinary Panel any circumstances which they believe may warrant consideration. However Disciplinary Panels can enquire with a student's School about any formal requests for mitigation submitted by the student in the period surrounding the misconduct.
- 3.2.4. In academic malpractice cases Disciplinary Panels should consider whether the student had an opportunity to disclose any mitigating circumstances to their School and request mitigation before an assessment deadline. If they did have such an opportunity but did not submit a request, then the student must have a credible and compelling explanation for why this was not done. If a request for mitigation has been already been submitted by a student and accepted by a Mitigating Circumstances Panel then the Disciplinary Panel should acknowledge that this was the case.

3.2.5. Examination Boards² must implement Disciplinary Panel decisions. If a student has requested mitigation for an assessment which becomes the subject of a malpractice allegation, then mitigation can only be considered by the Disciplinary Panel in the context of penalty setting; it cannot be considered by the Examination Board for the purposes of that assessment. This does not, however, prevent Examination Boards from applying mitigation to other unaffected assessments or to the assessment in contention provided that the application of mitigation does not remove the disciplinary penalty. For example, if a School permits a student the opportunity to re-sit a semester's assessments at first attempt, but one of the assessments was penalised for academic malpractice, the penalty to the affected assessment will still need to be applied.

3.3. Penalty effect

3.3.1. It is important for Disciplinary Panels to collect information to enable them to be aware of how a penalty may affect a student's progression on their studies, particularly in the context of academic progression (e.g. see Appendix One of the [Student Discipline Referral Form](#)). This helps to ensure that Disciplinary Panels apply proportionate penalties. The effect of some penalties may be obvious but the effect of other penalties may not.

3.3.2. It may not always be possible for the exact effects of a penalty to be known when a Disciplinary Panel reaches its decision, as the final effect may be dependent on other factors such as the student's year of study, their performance across other assessment etc. In such cases the Disciplinary Panel should confirm what it intended to be the effect of a penalty. For academic malpractice cases however, students should be made aware that most penalties will have the effect of depressing a unit and degree average.

3.3.3. Penalties applied for academic malpractice or research misconduct will override other (including Examination Board decisions) relating to assessments. The Examination Board cannot remove a penalty but can consider the impact of a penalty if not clearly specified or anticipated by a Disciplinary Panel. Academic penalties should normally work to the usual parameters of the applicable Degree Regulations with departures expected only in exceptional cases.

3.3.4. A brief guide to the Degree Regulations is included below. However, some Programmes, including PSRB Programmes, may have requirements that depart from the overarching Regulations. The full or local versions of the Regulations take precedence over the summary below.

<u>Undergraduate Degree Regulations</u>	<u>Postgraduate Taught Degree Regulations</u>	<u>PGR</u>
Main awards: Honours (360 credits), Ordinary (300 credits), Diploma (240 credits), Certificate (120 credits). Credits are what comprise an award/unit.	Main awards: Masters (180 credits), Diploma (120 credits), Certificate (60 credits).	Progress is commonly assessed annual by a Review Panel. This considers whether a student's progress is satisfactory against the work they have been producing and/or a Progress Report. A student may get an outcome of Continuation, Resubmit, Transfer (to a lower award if available) or Withdrawal. See Policy on
A full degree may be awarded a First (70%), 2.1 (60-69.9%), 2.2 (50-59.9%), or third (40-49.9%)	A Masters can be awarded a Pass (59.9 and under), Merit (60-69.9%) or Distinction (70%+)	
Pass marks are 40 and above. Students need to meet a pass mark regardless of whether an assessment is a first attempt or reassessment.	Pass marks are 50 and above for Masters programmes or 40 and above for PG Diplomas and Certificates. Students need to meet a pass mark regardless of	

² To also be read as reference to equivalent bodies.

	whether an assessment is a first attempt or reassessment.	the Progress and Review of Postgraduate Researchers.
Up to 40 credits per level can be compensated (including reassessment). However, it will mean a mark set by a Panel e.g. 0, or the original mark, remains. At both levels 6 and 7 (final year or Integrated Masters), where reassessment does not normally exist, a student can receive 'special compensation' up to 40 credits across both levels (for 1 st , 2.1 and 2.2 awards) provided 80 credits are at the level of the award, or up to 60 credits across both levels but the student receives a classification lower than they would have based on their weighted average.	Up to 40 credits can be compensated for a Masters/PG Diploma and 20 credits for a PG Certificate. However, it will mean a mark set by a Panel e.g. 0, or the original mark, remains.	The final product of a PhD is a thesis which is reviewed by examiners. The student then needs to attend an oral examination. Outcomes include to award a PhD, refer for re-examination, or to reject (with an MPhil or no award) See Policy on Examination of Doctoral Degrees.
The compensation zone is 30-39. Reassessments are usually capped at a maximum of 30.	The compensation zone is 40-49 for Masters and 30-39 for Diplomas and Certificates. Reassessments are usually capped at the bottom of the compensation zone.	
Fail marks are anything under 30.	Fail marks for Masters are under 40% and under 30% for Diplomas and Certificates.	A PGR student has one opportunity for re-assessment. The outcomes from a reassessment are to award a PhD or to reject (with or without an MPhil). See Resubmission and Re-examination of Postgraduate Research Degrees Policy.
A student may have one attempt at reassessment per unit. Reassessment becomes applicable if a student receives a mark less than 30 for a unit or if the compensation allowance has been exceeded. Reassessment opportunities do not exist in final year, except to meet professional body requirements.	A student may have one attempt at reassessment per unit. Reassessment becomes applicable if a student receives a mark lower than the compensation zone.	
Exam Board can allow a student to carry over non-compulsory units only, up to 20 credits, from one year to the next, based on academic standing.	Students have one attempt to resubmit a dissertation. If their submission is lower than 30% a student will be given an exit award; a Disciplinary Panel may recommend that this is overridden in exceptional circumstances to allow a resubmission, where the effect of an imposed zero would be disproportionate. Resubmissions need to meet the pass mark but are capped at the lowest compensatable mark.	Separate assessment policies/procedures exist for student registered on linked awards of MPhil and MRes.

		Taught units undertaken as part of a PhD are subject to the adjoining applicable Degree Regulations.
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4. Fitness to Practice

- 4.1. A Disciplinary Panel establishes whether a student has committed a breach of the Regulation and if so it applies a penalty. Students on professional programmes will also be subject to the standards of their professional body e.g. the General Medical Council. Health and Conduct Committees and Fitness to Practise Committees consider whether a student may have breached the standards of their profession.
- 4.2. Some instances of misconduct may first be considered under the Regulation depending on the circumstances and dominant issues of a case and the potential outcomes. Where findings of misconduct have first been reached under the Regulation, then for students on professional programmes, such findings may subsequently give rise to fitness to practise concerns and for their School and Faculty to consider the fitness to practise implications of the misconduct. Fitness to practise concerns may also arise outside of the context of University misconduct.
- 4.3. If misconduct has been established under the Regulation, then a Health and Conduct Committee or Fitness to Practise Committee will give due regard to the finding and penalty applied by the Disciplinary Panel. It will not normally be necessary for the facts of a case to be re-visited by a Health and Conduct Committee or Fitness to Practise Committee; their role will be to consider the implications of the misconduct on the student's fitness to practise.
- 4.4. Example One: A Faculty Disciplinary Panel finds a pharmacy student has breached the Regulation by committing academic malpractice. The Disciplinary Panel apply a mark of zero to the assessment in contention. The Disciplinary Panel's decision is reported back to the student's School, which decide to refer them the Health and Conduct Committee to determine if their misconduct gives rise to fitness to practise concerns relating to dishonesty.

5. Recommendations

- 5.1. A Disciplinary Panel may respond to issues that have been identified through the consideration of the disciplinary matter. This can include actions for students (e.g. it is recommended that you attend an appointment with the Counselling Service) or internally within the University (e.g. it is recommended that the student is subject to enhanced IT monitoring or that a student's accommodation contract be terminated).

6. References

- 6.1. Students should be honest and transparent when completing applications for jobs, future study or similar opportunities.
- 6.2. If a member of staff is aware of a serious disciplinary finding against a student, and is asked for a reference from the student, then they may need to mention the disciplinary issue in the student's reference. Less-serious disciplinary findings do not normally need to be disclosed. This may differ for students applying for professional positions, and for whom the consequences of misconduct may be more severe.
- 6.3. A reference which refers to a disciplinary finding is not a penalty from the disciplinary process, but is a consequence of going through it.

6.4. Guidance for staff about providing references to students is available at: <http://documents.manchester.ac.uk/display.aspx?DocID=1921>.

7. Penalty transposition

7.1. Under paragraph 1.3 of the Regulation if a student is subject to an external organisation's disciplinary processes and this is connected with their studies e.g. a study abroad placement, then the University will normally transpose any penalty applied to the closest matching penalty available. The student will, however, be permitted a right of appeal under the Procedure for Summary Disciplinary Panels or the Procedure for the University Disciplinary Panel (whichever is applicable based on the level of penalty).

7.2. Where a the case involves complex matters and/or is a penalty which does not have a clear equivalent, then the University will need to review the information available to make a determination about how it should proceed. The Student Conduct and Discipline Manager can be contacted for advice.

7.3. If a student has received a penalty for an offence at the external organisation, but the offence does not equate to misconduct at the University, then the disciplinary action will be noted on the student's file but no further action will usually be taken by the University. Such offences will not usually be treated as a previous offence should the student undergo future disciplinary proceedings at the University.

8. Document control

Document control box	
Policy / Procedure title:	Guidance on Applying Student Discipline Penalties
Date updated:	Dec 2022 (in effect January 2023)
Approving body:	Student Conduct and Discipline Committee
Version:	4
Supersedes:	V1.3 (Feb 2022)
Previous review dates:	N/A
Next review date:	2024
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> Statute XXI (Conduct, discipline and academic progress of students) Regulation XVII (Conduct and Discipline of Students)
Equality relevance outcome:	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> Procedure for Summary Disciplinary Panels Procedure for the University Disciplinary Panel Procedure for a Committee on Fitness to Practise Guidance to Staff Providing References for Students
Policy owner:	Sarah Littlejohn (Director of Campus Life) (Sarah.Littlejohn@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change
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1.2	May 2021	<p>Paragraph 2.8 amended. This previously stated “reference to “existing opportunity for resubmission or re-assessment”, and the word “existing” has been removed.</p> <p>Two general misconduct penalties added: 3.9 and 3.10.</p>
1.3	Feb 2022	<p>Guidance for 3.13 amended to make clear that a PhD student may be directed to submit for an exit award of MPhil for both academic and non-academic misconduct.</p>
1.4	Jan 2023	<p>Re-numbered sections of the Guidance, so that sections 1 and 2 align with penalty numbers in other documents.</p> <p>Inclusion of no-contact penalty for general misconduct (2.11)</p> <p>Inserted reference to fast-track in introduction section.</p> <p>Updated links and references.</p>