

## Regulation XVII

### Conduct and Discipline of Students

#### Notes

(i) Any reference in this Regulation, and its associated Procedures, to named officers should be read also as a reference in each case to a delegated nominee.

(ii) This Regulation sets out the platform for student disciplinary activity at the University. The implementation of the Regulation is primarily through the following Procedures (further cross-reference to which is made within the main body of the Regulation):

- Procedure for Summary Disciplinary Panels
- Procedure for the University Disciplinary Panel
- Academic Malpractice Procedure
- Procedure for Suspending a Student
- Procedure for Student Criminal Offences
- Procedure for Handling Allegations of Sexual Misconduct
- Procedure for the Consideration of Allegations of Academic Malpractice or Research Misconduct made after Graduation in Respect of Work Submitted for an Award of the University

#### Content

1. Scope
2. Definition of misconduct
3. General principles
4. Misconduct that is a criminal offence
5. Suspension pending investigation
6. Disciplinary procedures
7. Appeals

#### 1. Scope

1.1 Statute XXI and Ordinance XXXIX (Conduct, discipline and academic progress of students) requires that every student shall maintain at all times and in all places an acceptable standard of conduct and shall comply with regulations made by the University or by the authorities of any institution or organisation which a student may be required to work in or visit as part of their prescribed programme of study. In accordance with Statute XXI and Ordinance XXXIX, Senate has the power to expel or to suspend or to exclude from programmes of study or to impose a fine or other lesser penalty upon any student found guilty of misconduct or breach of discipline. Senate's power in this matter is delegated through this Regulation and through the Student Conduct and Discipline Committee to University Disciplinary Panels and via summary procedures.

1.2 The provisions of this Regulation define the behaviour which constitutes misconduct as it relates to students registered or studying at the University up until the point of graduation (including periods of leave) and the consequences of that misconduct. Post-graduation, the University reserves the right to take disciplinary action against former students in relation to suspected academic malpractice or research misconduct under the Procedure for the Consideration of Allegations of Academic Malpractice or Research Misconduct made after

- 1.3 Where a student has a relationship both with the University and an external organisation, then the agreement that governs that relationship should make reference to what should happen in the event of alleged misconduct by the student. However this paragraph sets out some general principles.
- a. This Regulation does not normally apply to students registered at organisations on degree programmes validated by the University; such students are subject to the disciplinary procedures of the partner organisation.
  - b. Should a student be engaged in an activity connected with their study at the University, for example, a study abroad placement, and the external organisation's disciplinary processes are instigated, then the University will usually transpose any penalty applied, to the same or a similar penalty available under this Regulation; the student will have a right of appeal under the Procedure for Summary Disciplinary Panels or the Procedure for the University Disciplinary Panel (whichever is applicable).
  - c. Should a student come from another institution to study part of their degree programme at this University, they shall be subject to provisions of this Regulation; the home institution shall be informed of any disciplinary action undertaken by the University.
- 1.4 Misconduct within the University of Manchester Students' Union (UMSU) will normally be dealt with through UMSU's own procedures. Exceptionally, and after liaison with the Chief Executive of UMSU, such misconduct may be subsequently referred by UMSU to the Director of Campus Life of the University to be dealt with through this Regulation.
- 1.5 This Regulation applies to students studying or registered at the University at all times whether the alleged misconduct takes place on or off University premises or through online platforms. This covers not only misconduct off campus whilst engaged in formal University activities, such as placements, field courses or sports tours, but misconduct in other locations or settings, such as that which brings the University's reputation into disrepute or the committal of a criminal offence.
- 1.6 The University shall take no account of misconduct prior to enrolling as a student, which has subsequently been revealed or is still in the process of being dealt with by other authorities, unless:
- a) the conduct is of such a serious nature that it raises questions about the fitness of the student to remain a member of the University, for example, with regard to the safety of other students; or
  - b) the conduct raises questions about the Fitness to Practise of a student on a programme leading directly to a professional qualification and/or entry to a profession requiring registration with a Professional, Statutory and Regulatory Body (PSRB).

## **2. Definition of Misconduct**

Misconduct at the University will not extend to matters concerning freedom of speech, expression and academic enquiry where they are exercised in a lawful, peaceful and reasonable manner. The following list is indicative (but not exhaustive of) the types of offences which constitute misconduct:

- a) conduct which disrupts, or improperly interferes with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
- b) conduct which obstructs, or improperly interferes with, the legitimate functions, duties or activities of any student, member of staff or visitor to the University;

- c) violent, indecent, disorderly, threatening or offensive behaviour or language however expressed (including via social media) towards any student, member of staff or visitor to the University;
- d) the distribution or publication of a poster, notice, sign or any material which is offensive, intimidating, threatening, indecent or illegal, including the broadcasting and electronic distribution of such material;
- e) fraud, deceit, deception or dishonesty in relation to the University or its staff or students or in connection with holding any office in the University, in a residents' association or equivalent body, in the Students' Union or the Athletic Union, or in relation to being a student of the University;
- f) action that did, or could, cause injury or impair safety on University premises;
- g) conduct which causes damage to or defaces University property or the property of any student, member of staff or visitor to the University caused intentionally or recklessly, and/or misappropriation of such property;
- h) conduct which damages, or has the potential to damage, the University's relationship or reputation with its local communities or other bodies or organisations;
- i) discrimination, bullying, harassment and/or victimisation of any student, member of staff or visitor to the University, as defined in the University's Dignity at Work and Study Policy (<http://documents.manchester.ac.uk/display.aspx?DocID=22734>);
- j) sexual misconduct (see the Procedure for Handling Allegations of Sexual Misconduct (<http://documents.manchester.ac.uk/display.aspx?DocID=42775>));
- k) conduct which breaches the provisions of the University's Code of Practice on Freedom of Speech (<http://documents.manchester.ac.uk/display.aspx?DocID=11846>);
- l) the misuse or unauthorised use of University premises, intellectual property or items of property, including misuse of computers and the communications network or any other breach of the University policy on use of information systems;
- m) conduct which is a breach of any University Regulation, Policy, Procedure, Code and/or Agreement;
- n) conduct which may constitute a criminal offence where that conduct or the offence:
  - i. takes place on University premises; or
  - ii. affects or concerns other members of the University; or
  - iii. damages the good name of the University; or
  - iv. itself constitutes misconduct within the provisions of this Regulation; or
  - v. is an offence of dishonesty, where the student holds an office of responsibility in the University, a residents' association, the Students' Union or the Athletic Union; or
  - vi. is such as to render the student unfit to practise any particular profession to which that student's programme of study leads directly;
- o) failure to disclose name(s) and other relevant information to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
- p) the submission of a complaint found to be frivolous, vexatious or motivated by malice;
- q) misconduct in research (see the Academic Malpractice Procedure (<http://documents.manchester.ac.uk/display.aspx?DocID=639>));

- r) academic malpractice in connection with any examination or assessment (see the Academic Malpractice Procedure (<http://documents.manchester.ac.uk/display.aspx?DocID=639>));
- s) failure to comply with a previously-imposed penalty or reasonable instruction under this Regulation or any other University Regulation, Policy, Procedure, Code or Agreement.

### **3. General Principles**

- 3.1 Students of the University are required at all times to conduct themselves with due regard for its good name and reputation and in a manner which demonstrates respect for the University, its staff, students, visitors and property and for other members of the local community in general.
- 3.2 By registering as a student, a student becomes a member of the University community and is then required to comply with the University's Ordinances, Statutes, Regulations, Policies, Procedures and Codes of Practice at all times.
- 3.3 This Regulation and its associated Procedures are intended to provide a clear, fair, and impartial process for dealing with allegations of student misconduct within reasonable timescales. From investigation of an allegation through to the conclusion of an appeal (not including the period a student has to submit an appeal), the timeframe should normally take no longer than 90 working days.
- 3.4 All conclusions at any level of investigation will find an allegation of misconduct proven if it is considered that the evidence presented identifies, on the balance of probabilities, that the student is culpable for the misconduct. Disciplinary hearings are not acting as a court of law; their remit is to consider alleged breaches of this Regulation.
- 3.5 In the interests of fairness, no single incident of alleged misconduct for any individual student shall normally be considered concurrently under more than one set of University Regulations, Policies or Procedures. If a situation linked to this paragraph arises, the staff member(s) handling the case will have discretion to decide which process takes precedence.
- 3.6 If two or more students are thought to be involved in the same incident of alleged misconduct, the decision may be taken to hear their cases together.
- 3.7 A student will not usually be granted an award, obtain certification of an award or attend a graduation ceremony whilst a case of alleged misconduct is in the process of being dealt with under the University's disciplinary processes. Any requests for this principle to be waived would need to be submitted by the student for consideration to the Authorised University Officer (see section 6 (Disciplinary Procedures) and 7 (Authority for Disciplinary Action) for further information on AUOs) or Chair of the University Disciplinary Panel co-ordinating the case. Whether the request is accepted will be dependent on the type and seriousness of the misconduct.
- 3.8 Some students are enrolled on programmes of study leading directly to a professional qualification or eligibility for registration to practise within a profession. If an allegation of misconduct may cause such student to be unfit to be admitted to a profession requiring professional registration then these cases will normally be dealt with by the appropriate authority for the programme of study. Where a student is already registered with a profession, then cases of misconduct will be dealt with under this Regulation, but the student will still have a personal obligation to meet the profession's standards and report misconduct to their PSRB, so that the PSRB can consider any professional implications accordingly.

- 3.9 The University will have due regard towards maintaining confidentiality in relation to any disciplinary allegation and subsequent finding. However, in order for a case to be considered and handled fully, the content of the allegation and end decision will need to be disclosed, on a need-to-know basis, to members of staff and students who are involved in putting the Regulation into effect. This includes staff whose input may otherwise be required to ascertain information relevant to a case, such as witness statements, requests for mitigation, previous offences, CCTV footage etc; this principle may extend to external organisations where those organisations hold relevant information. A copy of the disciplinary casefile will be retained in accordance with the University's Records Retention Schedule. University staff may also refer to serious behavioural issues in references provided for students and similarly may disclose them to a professional body.
- 3.10 Any student who is the subject of disciplinary proceedings shall receive a fair hearing and shall have the opportunity to present their case at the hearing. The student may call witnesses and question witnesses upon whose evidence the case against them is based.
- 3.11 Any student who is the subject of disciplinary proceedings and is normally resident in the UK, and who is not registered on a distance learning programme, is expected to attend the disciplinary hearing. Distance learning students, international students who are not resident in the UK and who have returned home and visiting/exchange students (including Erasmus students) who have returned to their home institutions are likely to be unable to attend a disciplinary hearing in Manchester. In circumstances such as these, students will normally be offered the opportunity to have their interview conducted via skype, video or teleconferencing facilities (or equivalent). If this is not possible, or the opportunity is declined, or no response is received within a reasonable timeframe, as described within the supporting procedures, (bearing in mind the student's location and any other relevant circumstances), to the University may hear the case 'in absentia'. Students should also be offered the opportunity to submit written representations prior to the disciplinary hearing.
- 3.12 Where students withdraw from the University prior to the conclusion of disciplinary proceedings, or may be on a period of leave from the University when disciplinary proceedings are instigated, then the case will not normally go ahead in the student's absence unless it is considered reasonably necessary to do so. The University will, where practicable, resume any disciplinary proceedings should the student return to study at the University in the future.
- 3.13 A student may, and is encouraged to, be accompanied to a disciplinary hearing by a fellow student, a member of the University of Manchester Students' Union or member of staff of the University of their own choice.
- 3.14 All parties are expected to comply with reasonable deadlines set by the University and advise the University about any difficulties they may face during the investigation in meeting any deadlines. Where students fail to respond or engage with a disciplinary process in a timely fashion, the University may proceed to reach conclusions in the absence of the student.

#### **4. Misconduct that is a Criminal Offence**

- 4.1 In cases where the alleged conduct may constitute a criminal offence if proved in a court of law the University reserves the right to refer the matter to the police. However, if a person claiming to be the victim of a serious offence committed by a student does not wish the police to be involved, the Head of Campus Life shall normally respect such wish.
- 4.2 Where a criminal offence, or alleged criminal offence, is considered by the Head of Campus Life to be serious, and external police or court action is pending, the University will normally consider suspending the student from the University (see section 5 of the Regulation). Once the police or court action has concluded, the Head of Campus Life will then decide whether disciplinary action under this Regulation should be taken. (Note: a serious offence is one that is

likely to attract a custodial, including suspended, sentence if proved in a criminal court, or one that can be tried as a criminal offence only in the Crown Court).

4.3 Where a criminal offence, or alleged criminal offence, is considered by the Head of Campus Life to be less serious than that described under paragraph 4.2, disciplinary action under this Regulation may be taken, but such action may subsequently be deferred pending the conclusion of the police or court action.

4.4 Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same circumstances, the court's penalty may be taken into consideration in determining the penalty under this Regulation.

4.5 Related Procedures:

- Procedure for Student Criminal Offences (<http://documents.manchester.ac.uk/display.aspx?DocID=39974>)

## 5. Suspension Pending a Disciplinary Investigation

5.1 A student who is the subject of a complaint of serious misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation may be temporarily suspended by the President and Vice-Chancellor pending the outcome of the investigation, or the trial and/or disciplinary action under this Regulation.

5.2 Suspension pending disciplinary action is a precautionary act taken before the conclusion of a criminal investigation, criminal trial and/or action under this Regulation. Suspension does not imply guilt.

5.3 The power of temporary suspension granted to the President and Vice-Chancellor under paragraph 5.1 shall be exercised only where necessary to:

- a) protect a member or members of the University community;
- b) protect the property of the University or of a member or members of the University;
- c) protect the reputation of the University;
- d) avoid the repetition of the circumstances which led to the allegation;
- e) prevent any disadvantage to the suspended student (e.g. where bail conditions prevent the student's presence on campus);
- f) ensure that any alleged victims or potential witnesses are not subject to interference;
- g) prevent the student's continued presence being a source of disruption to the University or any part thereof; and/or
- h) facilitate a proper investigation into the alleged misconduct.

Written reasons for the decision shall be recorded and made available to the student.

5.4 Suspension may include any or all of the following:

- a) restriction of access to the University or a specified part thereof;
- b) total or selective restriction on participation in University activities or access to University services (academic, residential, social or sporting facilities provided by the University) but may be permitted to sit University examinations;
- c) prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union; and/or
- d) no contact with a named person or persons.

5.5 Unless the matter is deemed to be urgent by the President and Vice-Chancellor, no student shall be suspended unless they have been given an opportunity to make representations to the President and Vice-Chancellor. The representations may be made in person or in writing, as the student chooses, and may be put forward by the student or through their supporter (see

3.13 above) or a representative. In cases deemed by the President and Vice-Chancellor to be urgent, a student may be suspended with immediate effect. In such circumstances, an opportunity will be given to the student to make representations as soon as reasonably practicable.

5.6 The suspension will however be reviewed every 20 working days in the light of any developments and of any written representations made by the student either personally or through the student's representative.

5.7 Should a student subject to an order of suspension wish to appeal against it, then they may do so by writing to the University's Chair of the Board of Governors. The suspension will remain in place pending the outcome of any appeal. The conclusion of any appeal is not viewed as the completion of the University's disciplinary procedures.

5.8 Related Procedures:

- Procedure for Suspending a Student is available at <http://documents.manchester.ac.uk/display.aspx?DocID=42771>

## 6. Disciplinary Procedures

6.1 Disciplinary procedures shall be initiated when an allegation of misconduct is brought against a student. The allegation shall be brought to the attention of the appropriate Authorised University Officer ("**AUO**"), as defined in 7.1 of this Regulation. A preliminary assessment may be undertaken by the AUO by whatever means considered appropriate based on the circumstances of the case before deciding whether any further action shall be taken. The AUO may dismiss the allegations immediately if they consider there to be no case for the student to answer.

6.2 All allegations of misconduct are treated seriously. However for the purposes of this Regulation and its associated Procedures, misconduct that may warrant consideration by, and a penalty open to, the University Disciplinary Panel ("**UDP**") is referred to as serious misconduct. Misconduct that may warrant consideration by, and a penalty open to, an AUO is referred to as less serious misconduct. Examples of cases considered to be serious and less-serious are included in the appendices to the Procedures highlighted under paragraph 7.6 below.

6.3 If the AUO considers, based on a preliminary assessment of the information available, that misconduct may have taken place and the allegation relates to less serious misconduct, then the allegation may be dealt with by a Summary Disciplinary Panel ("**SDP**").

6.4 If the AUO considers, based on a preliminary assessment of the information available, that misconduct may have taken place and the allegation relates to serious misconduct requiring consideration by the UDP, they shall refer the matter to the Head of Campus Life. In such cases the Head of Campus Life shall decide whether the matter should be dealt with summarily or considered by the UDP.

## 7. Authority for Disciplinary Action

7.1 The following AUOs, and their delegated nominees who may be identified as a case arises, are empowered to arrange and take part in Summary Disciplinary Panels to consider allegations of misconduct made against students:

a) *Heads of Schools and Deans of Faculties*

For breaches of this Regulation occurring as part of an activity forming part of a student's programme of study;

- b) *Head of Residential and Sports Services*  
For misconduct occurring within residences and as part of University affiliated sports;
- c) *Head of Student Admissions and Administration*  
For breaches of 2(r) of this Regulation arising in examinations administered by the Student Admissions and Administration Division;
- d) *The Librarian*  
For misconduct concerning the Library;
- e) *Chief Information Officer*  
For misuse of the University's information systems and network, including non-adherence to the Acceptable Use Policy (<http://documents.manchester.ac.uk/display.aspx?DocID=16277>);
- f) *Head of Campus Life*  
For any misconduct described in paragraph 2, normally where action needs to be taken in the place of, or the misconduct is not covered by, an AUO listed above.

7.2 On referral of an allegation of serious misconduct by an AUO to the Head of Campus Life, a UDP may be convened to take disciplinary action.

7.3 When a student admits to breaching, or is found to have breached, the Regulation one or more penalties available to the SDP or UDP must be applied. The UDP has the largest range of penalties available to it, from a warning to expulsion; SDPs will be able to impose a subset of those penalties. The penalties available are listed in the Procedures highlighted under paragraph 7.6 below. Any penalty applied will take immediate effect and will remain in place unless the outcome to an appeal directs otherwise.

7.4 Students on programmes leading to a professional qualification or registration should be aware that, even if a breach of the Regulation is first considered under the Regulation, further action may be taken through the appropriate authority for the programme of study if their academic School considers that the breach gives rise to Fitness to Practise concerns.

7.5 Appropriate records of cases, including case outcomes, reasons for the outcome and communication of the outcome to a student, should be retained by SDPs and UDPs. Such records will be needed if a student pursues any right of appeal and for anonymous reporting to the Student Conduct and Discipline Committee and Senate.

7.6 Related Procedures:

- Procedure for Summary Disciplinary Panels:  
<http://documents.manchester.ac.uk/display.aspx?DocID=42773>
- Procedure for the University Disciplinary Panel:  
<http://documents.manchester.ac.uk/display.aspx?DocID=42774>

## 8. Appeals

8.1 Following the conclusion of a disciplinary hearing, a student shall have the right to submit an appeal where they have been found to have breached the Regulation and had a penalty imposed.

8.2 The following officers are empowered to consider a student's appeal:

- a) Head of Teaching, Learning and Student Development



In respect of disciplinary action taken by an SDP.

b) An Appeal Board

In respect of decisions taken by the UDP.

8.3 The appeals processes are explained in more detail in the Procedures located at paragraph 7.6 above.

8.4 If an appeal completes the University's internal disciplinary procedures, then a student may complain to the Office of the Independent Adjudicator (OIA).

## 9. Document control

Document control box	
Policy / Procedure title:	Regulation XVII (Conduct and Discipline of Students)
Date approved:	03 April 2019 (to take effect on 01 September 2019)
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Related Statutes, Ordinances, General Regulations:	Statute XXI (Conduct, discipline and academic progress of students) Ordinance XXXIX (Conduct, discipline and academic progress of students)
Equality relevance outcome:	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> <li>• Procedure for Student Criminal Offences</li> <li>• Procedure for Suspending a Student</li> <li>• Academic Malpractice Procedure</li> <li>• Procedure for Summary Disciplinary Panels</li> <li>• Procedure for the University Disciplinary Panel</li> <li>• Procedure for Handling Allegations of Student Sexual Misconduct</li> <li>• Procedure for the Consideration of Allegations of Academic Malpractice or Research Misconduct made after Graduation in Respect of Work Submitted for an Award of the University</li> <li>• Guidance on Applying Student Discipline Penalties</li> </ul>
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### Amendment history

Version	Date	Reason for change
1 (could be more)	Unclear	
2	September 2011	Unclear

3	June 2013	Inserted reference to the Student Conduct and Discipline Committee (the body responsible for the oversight of conduct and discipline at the University)
4	June 2014	Insertion of new definition of misconduct 8(g): reputational damage and bringing the University into disrepute.
5	November 2016	Change to composition of the Student Conduct and Discipline Committee at paragraph 3: increase from ten to twelve members of academic staff.
6	October 2018	Factual updates required e.g. name changes.
7	April 2019	Significant review of Regulation XVII and the review and development of a number of supporting procedures.