Student Conduct Regulations

Approved by: Council
Date: 25 April 2018, effective from 1 September 2018
Review by: April 2021
Introduction

1. Students are members of the College community and as such are expected to behave responsibly, respect people and property and to comply with the College’s rules and regulations, whether on College Premises or elsewhere. The behaviour of students should not interfere with the proper functioning or activities of the College, with those who work or study in the College, or otherwise damage the College.

2. Where there is reason to believe that a student has broken the College rules or regulations, or their behaviour does not meet the required standards (see Appendix 1 – Types of Misconduct), the College will take action as outlined in these regulations.

3. The College Council is responsible for the maintenance of discipline in the College. These regulations outline where authority on such matters has been delegated to authorised officers.

Glossary

<table>
<thead>
<tr>
<th>Authorised Officer</th>
<th>Members of staff authorised by the Planning and Resources Committee to deal with actual or allegations of misconduct, and to impose penalties.</th>
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<tr>
<td>Appeal</td>
<td>A request for the decision to be changed. This will only be considered where the student can prove that the specified reasons, called grounds, are satisfied.</td>
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<tr>
<td>Campus Restriction Order (CRO)</td>
<td>Places conditions or restrictions on student that they must meet to continue attendance at the College or reside in College accommodation. Access to named venues or activities may be prohibited, for example, no access to licensed premises. CRO’s may be effective for the remainder of a student’s registration at the College or for a shorter period. They may only be placed or revoked by an Authorised Officer. If a student breaches the conditions of a CRO they will be subject to further action.</td>
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<tr>
<td>Completion of Procedures Letter</td>
<td>A letter which confirms that the College’s procedures have been completed. It summarises the decisions and the reasons for it, and confirms the submission deadline for reviews by the Office of the Independent Adjudicator (OIA).</td>
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<tr>
<td>Hearing</td>
<td>A formal meeting where the alleged misconduct is discussed. Normally a member of College staff will present, or explain, the recommendation to a panel or individual, and the student will be given an opportunity to respond. This response may include an explanation for the behaviour and / or demonstrate regret or understanding of the impact of any misconduct. See Appendix 7 for hearing procedures.</td>
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<tr>
<td>Misconduct</td>
<td>These regulations divide offences into minor and major misconduct. The Authorised Officer (or nominee) will determine which one is which. Examples of the types of behaviour which would constitute misconduct are listed in Appendix 1. Minor – behaviour which is unacceptable and breaks College Regulations, but isn’t judged to be so severe by the appropriate Authorised Officer as to require a review of the student’s registration at the College.</td>
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Major – either minor misconduct which is repeated, despite warning or minor offence procedures, or misconduct judged to be so severe by the Student Conduct Officer as to require a review of the student’s registration at the College.

Nominee

Where the College Officer named in these Regulations is unavailable and likely to remain so, they may nominate another officer to act in their absence. Alternatively the Principal may nominate another officer.

Panel

A group of senior College staff who consider major misconduct cases during a hearing and agree whether a penalty, condition or restriction is appropriate and what it should be. The panel is led by a Chair. The composition of the Student Misconduct Appeal committee is detailed in Appendix 8.

Represent

A term used to identify who will explain a specified person’s case to the panel at a hearing, i.e. the student will represent themselves, the student will explain his or her own case.

Required interruption of studies

Require the student to interrupt their studies at the College for a period of up to 1 academic year.

RHSU

Royal Holloway Students’ Union.

Student Conduct Officer

The designated officer responsible for leading the development of processes, policies and procedures relating to student misconduct. Authorised Officers may refer matters to the Student Conduct Officer for advice or determination.

Suspended Termination / Interruption

Specific conditions a student must meet to continue studying at the College. If the conditions are broken the student will be required to interrupt or withdraw from their studies immediately.

Termination of Registration

Require the student to leave the College.

Scope of these regulations

4. These regulations apply to all students registered at Royal Holloway, University of London (the College).

5. These regulations do not apply to:

   (a) Offences committed on RHSU premises, although serious offences may be referred to these regulations at the discretion of RHSU and / or the appropriate Authorised Officer. In such cases the RHSU may impose their own penalties and these may not be amended by College disciplinary processes.

   (b) Offences included in the Academic Regulations and associated documents.

   (c) Non-payment of student fees, which are included in the Student Fee Regulations.

6. Academic departments, the computer centre and the libraries may have their own misconduct procedures and regulations, although serious or repeated misconduct will be referred to these Regulations. Matters of misconduct within College Halls of Residence are covered under Appendix 5 and those in the local community in Appendix 6.

7. The College may also take such action under these Regulations against Royal Holloway students who contravene the rules, regulations or equivalent of other Universities and Colleges while on their premises, or who commit an offence that would be a breach of our regulations were it committed on Royal Holloway premises.
8. When misconduct also constitutes a criminal offence, or vice versa, the College will liaise with the Police and/or appropriate authorities and may wish to suspend the individual’s enrolment with the College pending the outcome of the Police investigation. The College reserves the right to carry out action without waiting for the conclusion of the Police investigation. See Appendix 2.

General Principles

9. Any hearing held under the scope of these Regulations is an internal procedure, and is not a legal proceeding. Hearings will be handled in accordance with the Procedures in Appendix 7.

10. When action is taken under these Regulations it will be adequate to establish that on the balance of probability misconduct did occur. The principles of natural justice\(^1\) will be applied at all times.

11. College will endeavour to act as swiftly as possible at all times, whilst ensuring that students have time to respond to claims made against them. Where other regulations and/or processes are ongoing which interfere with these Regulations, the College will ensure that the reason for any delays in the process are communicated to the student.

12. Communication with students who are subject to action in accordance with these Regulations will be via College email or as agreed with the student.

13. Students are expected to be aware of these and other College regulations. Claims that students were not aware of College regulations to which they have agreed during the enrolment process will not be considered valid reasons for lenient penalties or appeal.

14. Where appropriate other departments will be informed of action taken under these Regulations. If it is noted that the student has significant difficulties in a number of areas of their College life, they may be addressed together. See Appendix 3.

15. A student whose behaviour is in breach of the College regulations may be subject to these Regulations even if it can be shown that the breach is due to reasons of incapacity, such as a serious emotional or psychiatric condition. In such cases the College will be mindful of its duty to make reasonable adjustments in order to mitigate the effects of any impairment. See Appendix 4.

Authorised Officers

16. The Planning and Resources Committee (PRC) will annually approve a schedule of delegation nominating Authorised Officers to investigate and apply penalties for minor misconduct within their areas of responsibility (see sections 18-24).

17. The schedule of delegation (Appendix 9) will nominate a Student Conduct Officer to whom the Authorised Officers may refer any case.

Minor Misconduct

18. Upon hearing of an allegation of misconduct by a student, the Student Conduct Officer may issue a Campus Restriction Order pending the hearing.

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\(^1\) This means that all students subject to these Regulations will be treated without bias; will be presumed innocent of misconduct until the case is proven; will be given an opportunity to respond to any complaints against them as laid out in these Regulations and will have access to an appeal procedure.
19. Where it is believed minor misconduct has occurred the appropriate Authorised Officer will be informed.

20. The Authorised Officer will carry out a fair and reasonable enquiry. The student(s) will be given the opportunity to hear details of the complaint or allegations made against them and to speak or write in their own defence. Where there are specific Regulations for the misconduct, the Authorised Officer will act within those Regulations, including the award of an appropriate penalty.

21. If the student(s) admits the misconduct, the Authorised Officer may impose the appropriate penalty without conducting an enquiry.

22. The Authorised Officer is free at any point during the enquiry to refer the matter to the Student Conduct Officer who will decide how to proceed within these regulations. The Student Conduct Officer may decide that the misconduct merits greater penalties and refer the matter to the Named Officer (or nominee) who will consider whether it merits a Major Misconduct Hearing (see paragraphs 28-37).

23. In accordance with the procedures outlined in Appendix 7, the Authorised Officer or Student Conduct Officer may conduct a Minor Misconduct Hearing and impose one of the following penalties which will be considered to be proportionate and relevant to the misconduct. The student(s)'s previous misconduct records can be considered in this context.

(a) A reprimand;
(b) A fine not exceeding £1000 or a suspended fine should the student be found in breach of certain conditions;
(c) An order to pay compensation for damage to property or equipment;
(d) A condition that further attendance at the College or residence in College accommodation depends upon certain conditions or certain restrictions being met by the student;
(e) A requirement to leave Halls of Residence or other College managed residence and / or denial of permission to reside in such residence for the remainder of a student's course of study;
(f) An alternative reasonable sanction agreeable to both parties.

24. Students will be informed of the outcome in writing.

Appeal of the Outcome of a Minor Misconduct Hearing

25. A student who has received one of the above penalties may appeal to have the decision reviewed. To exercise the right to appeal the student will complete an Appeal Form and will submit it to the Governance & Legal Services. The form must be received within five working days of the date of sending the misconduct outcome in writing.

26. A panel of two, a Vice-Principal (or nominee) and a member drawn from the Student Misconduct Appeals Panel Pool (appendix 8) will review the papers, but will not interview the student or any other party. The following action may be taken:

(a) Uphold the original decision
(b) Reduce the penalty
(c) Remove the penalty

Note that the panel may not amend penalties put in place by RHSU.
27. Unless informed otherwise the student will be notified of the decision within fifteen working days of the receipt of the letter requesting the right to appeal. The Appeal Panel’s decision is final.

Major Misconduct

28. Upon hearing of an allegation of misconduct by a student, the Student Conduct Officer may issue a Campus Restriction Order pending the hearing.

29. If the Student Conduct Officer feels that an offence is of such severity as to merit review of the student’s registration at the College they will refer the case to the Named Officer (or nominee).

30. The Named Officer (or nominee) may take the following action:

   (a) Refer the matter back for local determination and recommend a Minor Misconduct Hearing takes place.
   (b) Agree with the recommendation and proceed with a Major Misconduct Hearing.

31. If agreement is given to proceed with a Major Misconduct Hearing the student will be notified in writing that a hearing is to take place and that it could result in the termination of their registration.

32. The hearing will be organised by the Governance & Legal Services and a secretary to the panel will be appointed.

33. A panel, chaired by a Vice-Principal (or their nominee), will be drawn from the Student Misconduct Appeals Panel Pool (Appendix 8) and include a senior academic or non-academic member of College Staff and a nominee of the RHSU. The Panel requires two members to proceed. The hearing will proceed in accordance with Appendix 7.

34. The Vice-Principal’s panel will hear the matter and will take one or more of the following actions:

   (a) Terminate the student’s registration or impose a suspended termination; delegating the authority to terminate the student to a specified member of staff should the student break the conditions set by the panel.
   (b) Require the student to interrupt their studies and leave the College for a fixed period or impose a suspended interruption; delegating the authority to require a student to interrupt should the student break conditions set by the panel.
   (c) Require the student to interrupt their studies and leave the College until conditions set by the panel are met by the student and evidence is provided to the satisfaction of a nominated member of staff.
   (d) Impose another lesser penalty as described for use by Authorised Officers in Minor Misconduct Hearings (see paragraphs 18-24).
   (e) Dismiss the case with no penalty.

   Note that the panel may not amend penalties put in place by RHSU.

35. The decision will be communicated to the student in writing, including the reasons for the decision and a reminder of the right of appeal to the Student Misconduct Committee (Appeals).

36. The outcomes communicated in writing to the student will take immediate effect notwithstanding any appeal by the student.

37. If an Appeal Form is not received within five working days the outcome(s) will be considered to have been accepted and a Completion of Procedures letter issued to the student.
Major Misconduct Appeals Process

38. To exercise the right to appeal the student will complete an Appeal Form (available at appendix 10) and will submit it to Governance & Legal Services within five working days of the date of the letter notifying the penalties. The form requires students to clearly explain the reasons for appeal which may only be on one or more of the following grounds:

   (a) That the finding was against the weight of the evidence. The student should indicate clearly the areas in which they feel this to be the case.
   (b) That the sanction is too severe or otherwise inappropriate. The student should indicate why they believe this to be the case.
   (c) That the process was not in accordance with the principles and procedures set out in these regulations, or were contrary to natural justice. The student should indicate clearly the areas in which they feel this to be the case.
   (d) That fresh evidence can be presented, which was not available, or could not reasonably have been made available, to the Vice-Principal (or their nominee). A summary of fresh evidence should be provided to the Secretariat and it should be indicated why the student could not present this at original hearing and they feel it would have influenced the decision.

39. If a Misconduct Appeal Form is received within five working days (see paragraph 37) the deadline the Named Officer (or nominee) will decide whether the appeal should be allowed under any of the grounds a-d above and if so, will instruct the Secretary of the Student Misconduct Appeal Panel to convene a panel as described in Appendix 8. If an appeal is not allowed a Completion of Procedures Letter will be issued to the student.

40. A panel, chaired by the Named Officer (or nominee), will be drawn from the Student Misconduct Appeals Panel Pool (Appendix 8) and include a senior academic member of College Staff, a non-academic member of College Staff and a nominee of the RHSU. The panel requires three members to proceed.

41. The decision of the Appeal Panel will be communicated to the student in writing.

42. The Secretary to the Student Misconduct Appeal Panel will supply the panel and the student making the appeal with a copy of the following documents at least seven days before the hearing:

   (a) A copy of all documents available to both sides at the Major Misconduct Hearing.
   (b) A written record of the proceedings of the Major Misconduct Hearing produced by the secretary to the panel.
   (c) The written notice of the appeal together with any other fresh supporting documents submitted by or on behalf of the student.
   (d) Any fresh written response from the College.

43. The College representative (normally a Vice-Principal or Student Conduct Officer) will present the College’s case and the student, or their representative, will have a right of reply.

44. The panel will try to reach a decision on the day of the hearing. The decision of the panel will be on a simple majority with a second and casting vote to the Chair in the event of a tie. There will not be any record of, or disclosure of information regarding the way in which any member has voted or on whether the decision was arrived at unanimously or by a majority vote.
45. The panel may take the following action:

(a) Confirm the penalty imposed by the Major Misconduct Hearing.
(b) Amend the penalty imposed by the Major Misconduct Hearing.
(c) Award an alternative penalty. The panel may need to seek confirmation from relevant staff before an alternative penalty can be confirmed.

Note that the panel may not amend penalties put in place by RHSU.

46. The decision and the reasons for the decision will be communicated to the student in writing.

47. The decision of the Student Misconduct Panel is the final part of the College procedure.

Reports

48. Council will receive an annual report of the Major Misconduct Hearings and the decisions of the Student Major Misconduct Appeals Panels.

Adjudication of College Decisions

49. When a student has exhausted the College procedures they are entitled to apply to the Office of the Independent Adjudicator for Higher Education to request a review of the College’s decision. Students will require a Completion of Procedures letter which can be provided by the Governance & Legal Services on request. Further information on the process involved can be obtained by referring to the Office’s website at www.oihe.org.uk.

Records of Misconduct

50. Records of incidents of minor misconduct will be maintained by the office of the Student Conduct Officer. They may inform other departments or services about incidents and subsequent penalties if they believe it to be appropriate.

51. Records of incidents of major misconduct will be maintained by the Governance & Legal Services. Outcome letters will be circulated to relevant departments, including student administration, to be kept on file.

52. Notes will be taken at Major Misconduct Hearings and will be retained for College use. The notes will not be verbatim or agreed with the student(s).

53. All records of misconduct will be stored securely and retained in accordance with the College Records Retention Policy.

Book of Precedents

54. The Governance & Legal Services will maintain a book of precedents of outcomes of Major Misconduct Hearings. Entries will be anonymised. The book will be used as a reference resource to ensure consistency in decision making when faced with similar facts and cases.

Associated Polices

Code of Practice on Personal Harassment
Student Fees Regulations
IT Terms of Service
Appendix 1 – Types of Misconduct

The following list is indicative (but not exhaustive) of the type of offences which would constitute misconduct:

(a) disruption of, or improper interference with, the academic, administrative, sporting, social, or other activities of the College, whether on College property or elsewhere;

(b) obstruction of, or improper interference with, the functions, duties or activities of any Student, member of staff of the College or any authorised visitor to the College;

(c) violent, indecent, disorderly, threatening, aggressive or offensive behaviour or language, however expressed, whilst on College property or engaged in any College activity;²

(d) sexual misconduct including sexual violence, inappropriate or unwanted sexual behaviour;

(e) behaviour, action or inaction which, even if self-directed, could reasonably be seen to cause distress to other students or members of staff or could reasonably be seen to cause other students or members of staff to fear for their safety or wellbeing;

(f) behaviour, action or inaction that requires staff repeatedly to act beyond their normal roles and duties or interferes significantly with the normal operation of the College or with members of staff in the normal execution of their duties;

(g) distributing or publishing a poster, notice, sign, posting or any publication, in any format, either on College premises or networks elsewhere, which is offensive, intimidating, threatening, indecent or illegal, or is likely to make others fearful, anxious or apprehensive or which could reasonably be expected to significantly and unfairly harm the standing or reputation or welfare of any student, member of staff or associate of the College;

(h) any breach of the provisions of the College Code of Practice on Freedom of Speech;

(i) fraud, deceit, deception or dishonesty in relation to the College or its staff, or in connection with the holding of any office in the College, in relation to being a student of the College or against any member of College. This includes the submission of false documents in order to gain an academic or non-academic advantage;

(j) misuse or unauthorised use of College premises or items of property, including computer misuse; damage to, or defacement of, College property or the property of other students or staff, caused intentionally or recklessly, or the misappropriation of any such property;

(k) any action likely to cause injury or impair safety on College premises or to College members in other locations;

(l) behaviour or actions which bring the College into disrepute or otherwise prejudice the legitimate academic and business aims of the College;

(m) conduct which constitutes a criminal offence when that conduct took place on College premises, or in the course of College activities or against any member of the College; conviction of a criminal offence, irrespective of where committed, where the consequences of the offence could impact on

² Includes behaviour noted as unacceptable in the Code of Practice on Personal Harassment, or which is unlawfully discriminatory or could be deemed as harassing or bullying particular groups or individuals in the College.
College staff, students or property;

(n) failure to properly enrol as required by the appropriate Regulations;

(o) failure to pay fees or other debts to the College as set out in the Fees Regulations;

(p) any breach of the Code of Practice on Misconduct in relation to Academic, Research and Scientific Activities;

(q) failure to comply with a previously imposed penalty under these rules;

(r) failure to disclose name and other personal details to an officer or employee of the College in circumstances when it is reasonable to require that such information be given;

(s) obstructing or failing to help College officers investigating a breach of College procedures;

(t) interfering with or intimidating witnesses in misconduct proceedings;

(u) possessing or using firearms (including imitation?), offensive weapon, lasers and similar equipment on College property;

(v) obstructing or impeding the flow of traffic on College roads;

(w) conduct in the local community that might cause nuisance, annoyance, give offence or lead to statutory action;

(x) breach of the College Code of Practice on Drug, Alcohol & Substance abuse;

(y) any other breach of College regulations, including College General Regulations, or Regulations, Codes of Conduct, Instructions and suchlike governing particular activities or defining behaviour in specific parts of College;

(z) the sharing on public platforms, including but not limited to, video-hosting sites and social media, of recordings of academic lectures and seminars.

Any of the above types of offence could be considered to be minor or major misconduct, depending on the severity, extent and whether the offence is an isolated incident or repeated misconduct. The Student Conduct Officer will decide if an offence would be considered to be major or minor misconduct.

3 The use of imitation firearms in theatrical performances or other legitimate College activities is permitted in conjunction with appropriate and documented risk management.
Appendix 2 – Temporary Suspensions, Campus Restrictions & Police Investigations

(a) On occasions it may be appropriate to temporarily suspend a student’s registration or place restrictions on a student’s use of College facilities which may last until internal enquiries are concluded. Temporary suspension or restriction may also be applied at the discretion of the Principal, a Vice-Principal, or the Student Conduct Officer.

(b) Where the College considers that a criminal offence has been committed, it may refer the case to the Police. Normally College will wait for the outcome of the Police investigation and consider the Police findings in its own procedures. However, when considered appropriate by the Student Conduct Officer the College may proceed immediately with these Regulations.

(c) On occasions the Police or other authority may legitimately inform the College that an offence has been committed. The Student Conduct Officer will decide whether to proceed with these Regulations.

(d) When criminal conduct is alleged and College also proceeds with these Regulations the alleged victim and perpetrator will be clearly advised that the College is conducting internal proceedings in relation to the related offences only, and is not seeking to make a decision about whether a criminal offence was committed.

(e) As a general principle, College is not bound by the outcome of any Police investigation or trial in deciding whether an offence has been committed under these Regulations, and it is possible that a student may be in breach of these Regulations even if there is no criminal conviction. A conviction shall constitute conclusive evidence that the student was guilty of the criminal offence identified.

(f) Where a student is a victim of crime or a complainant about a crime but is not willing to make a report to the Police, the College will only invoke these Regulations at the discretion of the Student Conduct Officer.

(g) Where restrictions applied by the Police / courts may prohibit a student’s ability to fulfil the attendance and submission requirements of their programme of study, an immediate temporary suspension may be applied. Depending on the length of the suspension and the point in the academic year the student may not be permitted to return to their studies in the current academic year.

(h) If Police and / or court action occurs in respect of the alleged offence, the temporary suspension or restriction may last until the completion or abandonment of the Police and / or court proceedings. It is the responsibility of the student to keep College aware of the progress and the outcome of the proceedings and to furnish the College with any reports, recommendations and judgements that have been made. The student may remain temporarily suspended or restricted until a misconduct hearing under the College rules has been held.

(i) If a temporary suspension or Campus Restriction Order lasts over fourteen days or is extended beyond fourteen days, the student may appeal against the decision. If the decision was taken by the Student Conduct Officer, it will be reviewed at appeal by a Vice-Principal; if taken by a Vice-Principal, the Principal will review it and, if taken by the Principal, the Chair of Council. If a temporary suspension or restriction is renewed or extended, or otherwise continued, so it remains in force for more than a year after an appeal, a further right of appeal will be granted. All decisions of such appeals will be final, although the student may appeal to the Office of the Independent Adjudicator (see paragraph 46 – Adjudication of College Decisions).
Associated Policies

Disclosing Criminal Convictions Policy
Appendix 3 – Informal Interdepartmental Hearing

(a) If it is noted that a student has significant difficulties in a number of areas of their College life the Student Conduct Officer may agree that the problems need to be addressed holistically rather than in separate areas alone. Problems may include:

- Recurrent welfare problems
- Recurrent College non-academic discipline problems
- Discipline issues within RHSU
- Problems with reported criminal or other illegal behaviour on campus or in local area
- Failure to agree a support package for special needs or failure to use the agreed package
- Failure to complete adequate coursework or attend adequately to give a good chance of progression (whether formal warnings have been issued or not)
- Recurrent financial problems
- Consistent failure to engage with or respond to College contacts

(b) When at least two of the above difficulties are present to a serious extent the College may convene an Informal Interdepartmental Hearing.

(c) The meeting will be called either due to being aware of the student’s situation themselves or having been made aware by other College Department(s). The meeting will be chaired by the Student Conduct Officer or an appropriate Authorised Officer, and will include other Departmental staff as appropriate.

(d) The student will be made aware of the meeting and the causes for concern one week in advance and will be invited to attend. They may be accompanied by a student or staff member of the College. If the student wishes to be accompanied by an individual who is not a member of the College they should notify the Student Conduct Officer as soon as possible (whose decision on this matter will be final).

(e) If the student does not attend, the meeting may proceed in their absence at the discretion of the Student Conduct Officer or Authorised Officer, unless the student is able to provide a reasonable explanation, in which case the meeting may be reconvened.

(f) The meeting will not be empowered to take any independent or additional action, or to issue a formal warning or equivalent, but will take an overview of the student’s situation and will advise the student of the options available for support, the improvements needed and the likely outcome of a failure to address the issues promptly with the different College Departments, including a summary of the likely formal processes and possible sanction that will follow.

(g) The recommendations of the meeting will be confirmed in writing and copied to the Departments involved.
Appendix 4 – Behaviour Arising from Medical, Emotional or Psychiatric Conditions

(a) A student whose behaviour is in breach of the College Regulations may be subject to these Regulations even if it can be shown that the breach is due to reasons of incapacity such as serious medical, emotional or psychiatric conditions. In such cases the College will be mindful in its duty to make reasonable adjustments in order to mitigate the effects of any impairment.

(b) Where such a student’s behaviour is causing significant distress or disruption to other students or members of staff or preventing the normal functioning of the College or other forms of misconduct are evident, the Student Conduct Officer may direct that a Formal Interdepartmental Meeting be convened:

(c) In some circumstances it may be appropriate to refer a student to the Fitness to Study Policy

Formal Interdepartmental Hearing

(d) A Formal Interdepartmental Meeting is convened by Student Conduct Officer at the request of a student’s academic department or appropriate support service.

(e) The meeting will be chaired by the Student Conduct Officer and will include representation from the student’s academic department as nominated by the Head of Department.

(f) The student will be made aware of the meeting and the causes for concern one week in advance and will be invited to attend. They may be accompanied by a student or staff member of the College. If the student wishes to be accompanied by an individual who is not a member of the College they should notify the Student Conduct Officer as soon as possible (whose decision on the matter will be final).

(g) If the student does not attend, the meeting may proceed in their absence at the discretion of the Student Conduct Officer, unless the student is able to provide a reasonable explanation, in which case the meeting may be reconvened.

(h) The meeting will be empowered to take the following action:

   (i) Issue a formal written statement to the student on the behaviour that must be avoided, the improvement required, the supportive resources available and the expected engagement with them;

   (ii) A condition that further attendance at the College or residence in College accommodation depends upon certain conditions or certain restrictions being met by the student;

   (iii) A requirement to leave Halls of Residence or other College managed residence and / or denial of permission to reside in such residence for the remainder of a student’s course of study;

   (iv) Request that the student interrupt their studies for a fixed period to address the issues affecting their conduct; this request may include certain conditions being met and / or documentary evidence being provided before the student is permitted to return from their interruption;

   (v) An alternative reasonable sanction agreeable to both parties.

(i) If a student agrees to interrupt their studies at a point within the academic year, and for a period which will prohibit the student from meeting the required attendance and/or submission requirements for their programme, they may not be permitted to return to their studies within the current academic year.
(j) If a student declines the request of a Formal Interdepartmental Hearing to interrupt their studies or does not respond to such a request within the timescale agreed by the Hearing, after the request is communicated to them, the case will be referred to a Major Misconduct Hearing in the normal way, following the procedure for major misconduct.

(k) If no improvement in behaviour is achieved or if in an incident is of such severity as to merit consideration of the termination of the student’s registration, the case will be referred to a Major Misconduct Hearing in the normal way.

(l) No step taken under this clause shall disadvantage the student or lessen the rights that they would have had under the normal misconduct proceedings. A student may request before the hearing that their behaviour be dealt with by a Formal Interdepartmental Hearing and a Vice-Principal may decide to adopt this procedure if evidence of incapacity arise.

(m) Where a student’s registration is terminated or interrupted, it may be referred to as “an administrative withdrawal” to indicate that the student has been deemed unable to continue but has not been held culpable of a deliberate breach of the College Regulations. The College may offer to lessen the formality of the proceedings where possible to reduce any adverse psychological impact on the student and modify the terminology used to indicate that the student’s behaviour is not deliberately in breach of Regulations though this must not lessen the clarity of the proceedings and any outcomes in any way.
Appendix 5 – Misconduct in Hall

Misconduct in Hall refers to circumstances where College regulations or the rules (License to Occupy terms and conditions) of the hall have been broken in an incident occurring in or around a College Hall of Residence. These regulations may also apply to students who are not residents of hall.

(a) The Authorised Officer for dealing with breaches of regulation in Hall may nominate a Halls Conduct Officer to manage frequent and/or minor cases of misconduct within Halls.

(b) When the Halls Conduct Officer is aware that the rules of the hall have been broken they may take the following action, regardless of whether the student is a resident in that Hall:

(i) reprimand the student;
(ii) fine or apply conditional suspended fines to the student up to £100, or in the specific instance of tampering with or misusing fire-safety equipment, the fine may be increased to £500;
(iii) require the student to pay compensation for damage to College property.

(c) In more serious cases of misconduct in the Hall, the issue may be referred immediately to the Authorised Officer for Halls or the Student Conduct Officer to be treated as misconduct in accordance with these Regulations.

(d) A student disciplined by the Halls Conduct Officer has a right of appeal. An appeal against the sanctions applied above must be submitted on the Misconduct Appeal Form to the Authorised Officer for Halls or the Student Conduct Officer within five working days of the imposition of the sanction. College may nominate an alternative officer if appropriate. The appeal may only be on one or more of the following grounds:

i) that the finding was against the weight of the evidence. The student should indicate clearly the areas in which they feel this to be the case;
ii) that the penalty is too severe or is otherwise inappropriate. The student should indicate why they believe this to be the case;
iii) that the process was not in accordance with the principles and procedures set out in college regulations, or was contrary to natural justice. The student should indicate clearly the areas in which they feel this to be the case;
iv) that fresh evidence can be presented, which was not available and could not reasonably have been made available to the Halls Conduct Officer. A summary of the fresh evidence should be provided and it should be indicated why the student could not present this at the original hearing and how they feel this would have influenced the decision.

(e) The Authorised Officer for Halls or the Student Conduct Officer will decide if an appeal is allowable. The Authorised Officer for Halls or the Student Conduct Officer may initially require the student to meet the Halls Conduct Officer to discuss the issue again in order to see if agreement can be reached.

(f) An appeal will normally be heard by the Authorised Officer for Halls or the Student Conduct Officer alone. The Halls Conduct Officer, at the discretion of the Authorised Officer for Halls or the Student Conduct Officer, may present fresh evidence and call witnesses to attend the appeal. Such evidence
will be made available to the student or his/ her representative at least three days before the appeal.

(g) The Authorised Officer for Halls or the Student Conduct Officer may take the following action(s):

(i) Uphold the original decision
(ii) Reduce the penalty
(iii) Remove the penalty

(h) All decisions of the Authorised Officer for Halls or the Student Conduct Officer in relation to such an appeal will be final. The student may have a right of appeal to the Office of the Independent Adjudicator (see paragraph 46 – Adjudication of College Decisions).
Appendix 6 – Discipline in the Local Community

Discipline in the local community refers to misconduct where College regulations have been broken in an incident occurring off College premises, in accordance with section 1 of these Regulations.

(a) When misconduct is identified in the community, the Authorised Officer for Misconduct in the Local Community may take the following action(s):

(i) reprimand the student
(ii) fine the student, whether resident in the local area or not, up to £100
(iii) require the student to pay compensation to local residents, assuming the total sums in fine and compensation together does not exceed £100.
(iv) refer the matter immediately to the Student Conduct Officer to be dealt with as major misconduct.

(b) A student disciplined by the Authorised Officer for Misconduct in the Local Community has the right of appeal. An appeal against the sanctions applied above must be submitted on the appropriate form to the Student Conduct Officer within five working days of the imposition of the sanction. College may nominate an alternative officer if appropriate. The appeal may only be on one or more of the following grounds:

(i) that the finding was against the weight of the evidence. The student should indicate clearly the areas in which they feel this to be the case
(ii) that the penalty is too severe or is otherwise inappropriate. The student should indicate why they believe this to be the case
(iii) that the process was not in accordance with the principles and procedures set out in college regulations, or was contrary to natural justice. The student should indicate clearly the areas in which they feel this to be the case
(iv) that fresh evidence can be presented, which was not available and could not reasonably have been made available to the Authorised Officer for Misconduct in the Local Community. A summary of the fresh evidence should be provided and it should be indicated why the student could not present this at the original hearing and how they feel this would have influenced the decision.

(c) The Student Conduct Officer will decide if an appeal is allowable. The Student Conduct Officer may initially require the student to meet the Authorised Officer for Misconduct in the Local Community to discuss the issue again in order to see if agreement can be reached.

(d) An appeal will normally be heard by the Student Conduct Officer alone. The Authorised Officer for Misconduct in the Local Community may, at the discretion of the Student Conduct Officer present fresh evidence and call witnesses to attend the appeal. Such evidence will be made available to the student or their representative at least three days before the appeal.

(e) The Student Conduct Officer may take the following action(s):

4 Particularly, but not limited to, General Regulation 1.2 (Student Responsibility off campus) and Student Conduct Regulations Appendix 1 (l) (bring College into disrepute).
(i) Uphold the original decision
(ii) Reduce the penalty
(iii) Remove the penalty

(f) All decisions of the Student Conduct Officer in relation to such an appeal will be final. The student may have a right of appeal to the Office of the Independent Adjudicator (see paragraph 46 – Adjudication of College Decisions).
Appendix 7 – Hearing / Meeting Procedure

(a) Students who are required to attend a hearing will be notified in writing. Where possible a date will be agreed with the student.

Minor misconduct

(b) For minor misconduct hearings or meetings at least three days written notice will be given in term-time, or one week outside term dates. The notice will include a brief description of the misconduct.

(c) If a student fails to attend a hearing or meeting with no notice, the Authorised Officer may apply a sanction, which will be notified to the student in writing. Where the student is reasonably unable to attend, the hearing or meeting may be adjourned and another date set. If the Authorised Officer considers that the student is being deliberately uncooperative about their attendance, a date will be set and in the absence of the student the Authorised Officer may proceed with the hearing or meeting and apply a sanction, which will be notified to the student in writing.

(d) Students are expected to represent themselves at hearings. Another member of the College or Students’ Union may accompany the student. The accompanying member should not be significantly involved in the case or subject to misconduct proceedings.

(e) If the matter involves other students or staff who are required to be at the hearing or meeting, they may be accompanied by another member of the College or Students’ Union. The accompanying friend should not be subject to misconduct proceedings.

(f) The Authorised Officer may ask a friend to leave a meeting or hearing if they feel that they are not suitable or are preventing a fair hearing of the case.

Minor Misconduct Appeal

(g) A student’s appeal of the outcome of a minor misconduct hearing will be conducted as described in paragraphs 25-27.

Major misconduct

(h) Students who are subject to a Major Misconduct Hearing are expected to represent themselves, although they may be accompanied by someone who is not involved in the case or subject to College misconduct proceedings. In hearings before a panel of the Student Misconduct Committee (Appeals) students may choose to be accompanied or represented by non-College members. The student or their friend will notify the Governance & Legal Services when outside representation is to be used, giving the name and contact details of the friend at least one week in advance for College to engage and brief similar representation if they so wish. This is an internal process and it is unusual for students to appoint a legal professional to represent them. Previous cases have shown that there is no advantage gained when legal representation has been sought.

(i) Reasonable steps will be taken to hold the hearing on a date which the student or their friend is able to attend. Exceptionally, if this proves impossible, or if the Vice-Principal or Chair considers that the student is being deliberately uncooperative about their attendance, a date may be decided and if the student does not appear, the hearing may proceed in their absence.

(j) Where a student is not able to attend a hearing at the College, particularly international students,
they should notify the Secretary and alternative arrangements may be made. These arrangements may include attendance via telephone or video conference. It is not allowable for the friend to dial into a meeting if the student is attending in person.

(k) The student will be given written notice of the date of the hearing at least one week in advance.

(l) Where a student fails to appear for a meeting or hearing, notified as above, the hearing may proceed as planned. Where the student is reasonably unable to attend, the meeting or hearing may be adjourned and another date set.

(m) The student, their friend (if the student chooses to be represented or accompanied before a panel of the Student Committee (Appeals)) and the College representative(s)) will be entitled to be present throughout the whole of the proceedings except where the panel wishes to retire for private discussions. In every case the student will be given a proper opportunity to be heard fully in their own defence.

(n) The Vice-Principal or Chair may ask a friend to leave a meeting or hearing if they feel that they are not suitable or are harming the case. The presence of any other individuals is at the discretion of the Vice-Principal or Chair, who may ask them to withdraw at any time.

(o) The panel is not required to conduct an independent investigation into the complaints presented but will exercise care to ensure that the facts upon which its decision is based are accurate.

(p) The student, panel or College may request an adjournment if more time is reasonably required.

(q) At their discretion and on such terms as they think fit, those chairing hearings will allow either side reasonable time for private consultation or reflection during hearings if they so request.

(r) If a student exercises their right to appeal the decision of a major misconduct hearing the College representative may, at the discretion of the Chair present fresh evidence and call witnesses to attend the meeting. Such evidence, or a summary of it, will be forwarded to the Secretary of the Committee not less than seven days before the hearing of the Committee and will be made available to the student or their representative within the same period.
Appendix 8 – Student Misconduct Panel Pool

Membership

Chair
- Major Misconduct Panel: A Vice-Principal (or nominee)
- Major Misconduct Appeal: Named officer (or nominee)

Other members
Six members of the academic teaching staff, from across the academic disciplines, appointed by the Academic Board for a period three years*

Six members of the non-academic staff appointed by the College Executive for a period of three years*

A nominee of the RHSU

Secretary
Chief Operating Officer and Secretary to Council, or nominee

*Whilst every effort should be made to select appointed staff to form the Panels, where insufficient members in any category are available, similarly qualified members of the College may be asked to sit on the panel at the approval of the Chair of the panel.

The Student Misconduct Panel is selected from the groups of staff appointed by the Academic Board and the College Executive as listed above.

Minor Misconduct Appeal
A member will be drawn from the pool of College staff to review the case with a Vice-Principal.

Major Misconduct Panel
The panel shall comprise of the individuals listed below:

- A Vice-Principal (or nominee) as Chair of the panel.
- One academic teaching staff member or non-academic member of staff drawn from the pool who shall not be from the student’s department or have had any teaching or significant social contact with the student.
- One student member nominated by the RHSU who shall not be from the student’s department or have had any significant social contact with the student.
- The quorum shall be two, one of whom must be a Vice-Principal (or nominee) as Chair of the panel.

Major Misconduct Appeal Panel
The panel shall comprise of the individuals listed below:

- The Named Officer (or nominee) as Chair of the panel.
- One academic teaching staff member drawn from the pool who shall not be from the student’s department or have had any teaching or significant social contact with the student.
- One non-academic member of staff drawn from the pool who shall not be from the student’s department or have had any teaching or significant social contact with the student.
- One student member nominated by the RHSU who shall not be from the student’s department or have had any significant social contact with the student.
- The quorum shall be three, one of whom must be the Named Officer (or nominee) as Chair of the panel.
Panel members for a major misconduct hearing may not be a member of a panel hearing the appeal of the decision of the same case.

The Student Misconduct Panels will conduct all hearings in accordance with the Student Conduct Regulations applicable to the year in which the alleged breach of conduct took place.
Appendix 9 Proposed Delegation for 2018/19 as defined by the Student Conduct Regulations

Named Officer. An academic member of the College’s Executive team approved annually by the Planning & Resources Committee. The Named Officer has responsibility for authorising misconduct hearings for cases referred to them by the Student Conduct Officer. The Named Officer also has responsibility for authorising a student appeal of the outcome of a major misconduct hearing, and will act as the Chair of the Appeal Panel or nominate another member of the College Executive team to act in their place.

Student Conduct Officer. The Planning and Resources Committee authorises the following individual (or their nominee) as the Student Conduct Officer to lead on matters of student misconduct as defined by the Student Conduct Regulations:

Head of Student Advisory & Wellbeing

The following staff are authorised by Planning and Resources Committee to investigate and apply penalties for Minor Misconduct in accordance with the Student Conduct Regulations:

<table>
<thead>
<tr>
<th>Misconduct.........</th>
<th>Authorised Officer (or their nominee)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Related to the use of cars and parking</td>
<td>Security Manager</td>
</tr>
<tr>
<td>Related to behaviour in academic departments and associated buildings</td>
<td>Head of Academic Department</td>
</tr>
<tr>
<td>Related to the use of libraries</td>
<td>Director of Library Services</td>
</tr>
<tr>
<td>Related to the use of computing facilities</td>
<td>Director of IT</td>
</tr>
<tr>
<td>Related to behaviour in Halls of Residence</td>
<td>Head of Residences &amp; Halls Conduct Officer (As defined in Appendix 5 of the Student Conduct Regulations)</td>
</tr>
<tr>
<td>Related to behaviour in the local community</td>
<td>Head of Student Advisory &amp; Wellbeing</td>
</tr>
<tr>
<td>(All other misconduct)</td>
<td>Head of Student Advisory &amp; Wellbeing</td>
</tr>
</tbody>
</table>

At any point the Authorised Officers may refer the case to the Head of Student Advisory & Wellbeing.
Student Conduct Officer may issue CRO pending a hearing.

Minor Misconduct Allegation

Authorised Officer informed to carry out enquiry.

Student given the opportunity to offer his/her defence.

Authorised Officer may refer matter to Student Conduct Officer.

Student Conduct Officer may refer the matter to the Senior Vice-Principal (academic) or nominee.

Senior Vice-Principal (academic) or nominee may decide to convene a Major Misconduct Hearing or refer back to Minor Misconduct.

Authorised Officer or Student Conduct Officer may convene a Minor Misconduct Hearing.

Authorised Officer or Student Conduct Officer may impose the appropriate penalty and inform the student in writing.

A Completion of Procedures letter will be issued.

Student may admit to the misconduct.

Student may appeal by submitting an Appeal Form.

An Appeal Panel will review the case, but no further interview will take place.

The student will be notified of the decision in writing.

Major Misconduct Hearing

NB: full details, including timeframes, can be found in paragraphs 18 to 27 inclusive and in appendix 7.
Appendix 10b – Overview of the Major Misconduct Process

Major Misconduct Allegation

Student Conduct Officer may issue CRO pending a hearing.

Student Conduct Officer will refer the case to the Senior Vice-Principal (academic) or nominee.

Senior Vice-Principal (academic) or nominee may refer case back to a Minor Misconduct Hearing.

Senior Vice-Principal (academic) or nominee may agree with recommendation and proceed with a Major Misconduct Hearing.

Student given the opportunity to offer his/her defence.

Vice-Principal’s Panel will hear the case and inform the student of its decision in writing.

Student may appeal by submitting an Appeal Form.

Minor Misconduct Hearing

The student will be given the opportunity to offer his/her defence.

Senior Vice-Principal (academic) or nominee will decide if an appeal is allowable, and if so convene an appeal panel.

The student will be notified of the decision in writing.

A Completion of Procedures letter will be issued.

NB: full details, including timeframes, can be found in paragraphs 28 to 48 inclusive and in appendix 7.