

## Ordinance XXXVI – Student Conduct

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# Ordinance XXXVI – Student Conduct

## 1. Introduction

- 1.1 The authority of Ulster University (“**the University**”) to investigate the conduct of, and where appropriate to take disciplinary action against, students derives from the powers and authority of the University’s Charter, Statutes, Ordinances and Regulations. This authority is underpinned by the approved [Student Terms and Conditions](#) entered into by each student and the University when a student accepts an offer to study at the University and is subsequently confirmed in writing by both parties upon registration.
- 1.2 All members of the University have a right to study and work in a safe, inclusive environment, where their rights are respected and balanced with their independence and freedom.
- 1.3 In this context, students, in line with the [Student Charter](#), are expected to conduct themselves at all times in a manner which demonstrates respect for themselves, as well as the University, its staff, fellow students and the wider community. Where a student’s behaviour falls short of that expected by the University, that student will be subject to the terms of this Student Conduct Ordinance (“**SCO**”), regardless of whether the behaviour takes place on or off campus or through social media and/or other forms of communication.
- 1.4 Misconduct under the SCO is the improper interference, in the widest sense, with the effective functioning or activities of the University, or those who work or study in the University; or behaviour which brings, or may bring, the University into disrepute. The aim of this SCO is to ensure that there is a framework and process for dealing with such matters in a clear, fair, reasonable and timely manner, ensuring a safe and secure environment, where our students, staff and other members of the University community continue to feel valued and respected.
- 1.5 Allegations of misconduct will be considered under the terms of the SCO in place at the point at which the alleged offence is notified to the University. Earlier versions of the SCO are available from the Office of the University Secretary at [universitysecretary@ulster.ac.uk](mailto:universitysecretary@ulster.ac.uk).
- 1.6 This SCO will be subject to periodic review, with the most up to date version available at: <https://www.ulster.ac.uk/about/governance/compliance/student-discipline>

## 2. Scope of the Student Conduct Ordinance

- 2.1 This SCO applies to the following cohorts:
- 2.2 Students - A student becomes subject to the provisions of this SCO from the point at which they register with the University to the point at which they exit the University. Provision for conduct in relation to prospective students is included within the [University’s Admissions Policy](#).
- 2.3 Students in Partner Institutions - The appropriate SCO/conduct proceedings for students registered or receiving tuition in partner institutions will be set out in the approved Memorandum of Agreement (MoA) between the University and the partner institution. Any issue of interpretation or application, or proceedings in instances where the management of conduct is not articulated in the MoA, will be determined by the Pro-Vice-Chancellor for Academic Quality and Student Experience, informed by consultation with the Director/Principal of the relevant partner institution.
- 2.4 Further guidance on the scope of the SCO is available from the Student Academic Affairs Team at [saat@ulster.ac.uk](mailto:saat@ulster.ac.uk)

### 3. What Constitutes Misconduct?

- 3.1 Misconduct is deemed to be improper interference, in the widest sense, with the effective functioning or activities of the University, or those who work or study in the University; or behaviour which brings, or may bring, the University into disrepute. The SCO is in place to protect the wellbeing of students, staff and the wider community, together with the reputation of the University. It also incorporates the following:
- **Sexual Misconduct and Violence** - Sexual Misconduct and Violence includes both on- and off-campus conduct as well as that exercised electronically and through social media and other forms of communication. Under the SCO, Sexual Misconduct covers any unwelcome behaviour of a sexual nature that is committed without consent or by force, intimidation, or coercion.
  - **Bullying and Harassment** - Bullying is the use of force, coercion, hurtful teasing or threat, to abuse, aggressively dominate or intimidate. Harassment includes causing another person alarm or distress. Harassment on the grounds of gender (including gender re-assignment), race, religion or belief, political opinion, disability, sexual orientation or age may also breach the [University's Equality Opportunities Policy](#) where this involves discrimination against an individual in the way they are treated in relation to the provision of services, including teaching and supervision, assessment, progression and award, and support services.
  - **Potential Criminal Offences and Criminal Offences** – Under the SCO, potential and actual criminal offences include any instance where a student has an unspent conviction for a relevant offence, or during the course of their studies they are convicted of a relevant offence, or where they become subject to an investigation for a relevant offence.

Further information on the reporting requirements, including details of what constitutes a relevant offence in this area, are available in Schedule A and also within Section 5.5. of the approved [Student Terms and Conditions](#).

Please note that this list is illustrative and not exhaustive.

### 4. Important Definitions

- 4.1 The following definitions apply throughout this SCO and all associated processes and procedures:
- A student who brings an allegation of misconduct against another student is referred to as the **“Reporting Student”**.
  - A member of staff, member of the public or organisation who brings an allegation of misconduct against a student is referred to as the **“Reporting Person”**.
  - A student against whom an allegation of misconduct is brought is referred to as the **“Responding Student”**.
  - A member of staff within the University with delegated authority to oversee the investigation of issues relating to student conduct and to implement sanctions in respect of offences as appropriate is referred to as a **“University Conduct Officer”**.
  - The central co-ordinating point for all allegations in relation to student conduct – to include receipt of the original allegation, the co-ordination of the investigatory process, referrals to a University Conduct Officer/Student Discipline Committee, and support in the application of sanctions for minor offences – is the **“Student Academic Affairs Team”**. The Team provides advice and guidance to both Reporting Students/Persons, Responding Students and University Conduct Officers in the implementation of the SCO.

- The central co-ordinating point for the hearing of serious student disciplinary cases is the **“Student Discipline Office”**. Where an allegation is investigated and the outcome identifies a significant breach of the SCO, this case will be referred to the Student Discipline Office, which will co-ordinate the associated disciplinary process, to include the convening of the University’s Student Discipline Committee and, where required, the Student Discipline Appeal Committee.
- The committee within the University established to review the investigatory reports of allegations into significant misconduct matters, and to implement sanctions as appropriate, is referred to as the **“Student Discipline Committee,”** with appeals in relation to the outcome from this committee reviewed by a committee referred to as the **“Student Discipline Appeal Committee”**.
- The committee established to monitor the implementation of Precautionary Suspensions in response to significant safeguarding concerns, to include the terms and duration of any such suspension, is referred to as the **“Student Safeguarding Committee”**.

4.2 Further detail on these terms, together with clarification on other key terms where appropriate, is provided throughout the course of the SCO.

## 5. How to Raise an Issue of Student Conduct

5.1 Those wishing to raise an issue of student conduct should complete a Statement on Student Misconduct Form – available from [saat@ulster.ac.uk](mailto:saat@ulster.ac.uk) – providing as much information and supporting evidence (where available) as possible. Submission of this form is an indication that that an individual wishes the University to take action in relation to the issues raised.

A copy of the form should then be forwarded to the Student Academic Affairs Team at: [saat@ulster.ac.uk](mailto:saat@ulster.ac.uk)

The Team will acknowledge receipt of the form and will follow this up with a high-level overview on how the concern is to be taken forward. Further detail on “What Happens Next” is provided in Section 6 below.

- 5.2 The University reserves the right to investigate and to take disciplinary action against a student of its own volition, even where the Reporting Student/Person does not wish to make a formal statement of complaint or withdraws their allegation.
- 5.3 The above provisions also do not preclude any member of staff from taking reasonable emergency action to prevent, stop, minimise, or otherwise control any conduct by a student which, in the opinion of a member of staff, constitutes misconduct and warrants emergency action. What constitutes an emergency, and the action to be taken will depend on the particular situation, but circumstances involving the safety of others, or affecting the proper functioning of the University, may require immediate action. As soon as reasonably practicable after the emergency action has been taken, the member of staff shall take steps to invoke the University’s Student Conduct Ordinance through the Student Academic Affairs Team.

## **6. What Happens Next?**

On receipt of a Statement on Student Misconduct Form, the Student Academic Affairs Team will determine the following:

### **6.1 Whether there is the potential for the allegations raised to be addressed quickly and informally.**

Where this is the case, the Student Academic Affairs Team will refer this matter to an appropriate University Conduct Officer for review. A University Conduct Officer is a member of staff with delegated authority to review/investigate student conduct cases. The University Conduct Officer will meet, in the main separately, with both the Reporting Student/Person (if appropriate) and the Responding Student and will explore whether the matter can be brought to an informal resolution. Where appropriate, the option to invoke a formal mediation process may also be considered, together with the potential adoption of a Future Conduct Agreement between relevant parties. Future Conduct Agreements are explored further below.

The University Conduct Officer will then report back to the Student Academic Affairs Team, providing a summary of the matter and the agreed outcome, and this information will be documented accordingly.

### **6.2 Whether the allegations merit further investigation.**

Where this is the case, the Student Academic Affairs Team will refer this matter to a University Conduct Officer, who will, guided by the Student Academic Affairs Team, carry out an investigation in line with the process set out in Schedule B. Where appropriate, students may be required to sign a Future Conduct Agreement pending the completion of any ongoing investigation.

Where the allegations are serious, complex or sensitive in nature, the University may engage external professional or legal support in the completion of any required investigation.

The University Conduct Officer may, following the outcome of the investigation, recommend to the Student Academic Affairs Team that a sanction be applied or, in more serious cases, that the case be referred for consideration under the Student Disciplinary procedures.

In ensuring a consistent approach to referrals across the University, the Student Academic Affairs Team will consider the facts of the case and make the final determination as to whether the sanction is appropriate and/or whether it is appropriate for the case to be referred for consideration under the Student Disciplinary procedures. The Team will also ensure that the investigation report is complete and has been undertaken in accordance with University standards.

Where, based on a recommendation by a University Conduct Officer, a sanction has been imposed, the Responding Student has the right to appeal against that sanction. Any such appeal should be forwarded to the Student Academic Affairs Team who will record this and subsequently forward the appeal to the Student Discipline Office for action.

Further information on the University's Student Discipline procedures, to include time limits and grounds of appeal, is available in Schedule C.

### **6.3 Whether the allegations relate to alleged criminal offences.**

In such cases, the University acknowledges that the Police and Public Prosecution Service is properly tasked to investigate and prosecute criminal offences. The University will engage

and co-operate fully with any police investigation and any subsequent legal proceedings. The University will liaise with the PSNI but will not undertake any investigations or actions which could compromise a police investigation or criminal proceedings.

Where a police investigation or criminal proceedings are ongoing, the University will normally delay the commencement of any disciplinary proceedings under this SCO pending the outcome of any such police investigation or criminal proceedings. It is the responsibility of the Responding Student to provide regular updates to the University in relation to the associated proceedings.

#### **6.4 Where the allegations made raise safeguarding issues.**

In such cases, the Student Academic Affairs Team will take steps to ensure that appropriate safeguarding arrangements are put in place to mitigate any associated risks, where this is necessary and proportionate. This could include, for example, a request for one or both students to vacate/move out of University accommodation, cease contact etc. Such decisions may be captured in a Future Conduct Agreement where appropriate.

The University may also seek to obtain the appropriate level of information from any external investigative body/authority in relation to any relevant offence. The purpose of this is to enable the University to take the appropriate decisions to balance its pastoral and safeguarding responsibilities to those who are under investigation, with those owing to other students and members of the University community.

Where the allegations raised are serious, the Student Academic Affairs Team reserves the right, based on the particular context available to it at that time, to recommend that the Vice-Chancellor (or nominee in the absence of the Vice-Chancellor) impose a Precautionary Suspension on the Responding Student, pending completion of any associated investigation and related proceedings. In such cases, the Student Academic Affairs Team will subsequently refer the student to the Student Safeguarding Committee to monitor the terms and conditions of the Precautionary Suspension. Further information on Safeguarding measures, to include Precautionary Suspensions, is available in Schedule D.

#### **6.5 How best to support all parties during this process.**

In such cases, the Student Academic Affairs Team will consider how best to support all parties through these processes. In relation to students, this is likely to involve a referral to [Student Wellbeing](#) for advice and pastoral support, and to the [Students' Union Advice Bureau](#) for advice, guidance and representation at meetings where appropriate.

### **7. Guiding Principles**

- 7.1 The implementation of this SCO is underpinned by a number of key guiding principles. Full details are set out in Schedule E, and these should be read in conjunction with this SCO.

### **8. Northern Ireland Public Sector Ombudsman**

- 8.1 Where the University has issued a final internal decision, following an investigation, hearing and appeal hearing, and a Reporting Student remains dissatisfied with the outcome, the Reporting Student or a Responding Student may submit a complaint about maladministration to the [Northern Ireland Public Sector Ombudsman \(NIPSO\)](#) within six months of notification of the final decision.

- 8.2 A final internal decision is issued where a Responding Student has exhausted all internal initial and appeal mechanisms. Where this is the case, the final internal decision letter, issued by the University, will include reference to NIPSO as appropriate.

## **9. Reporting**

- 9.1 The Student Academic Affairs Team will maintain a centralised database setting out details in relation to every complaint received, together with its progression route and current status. The database will also be updated to reflect closed cases, to include outcomes and sanctions where appropriate.
- 9.2 The Team will also, in consultation with the Office of the University Secretary, produce at least annually, a report on conduct matters for consideration by the Senior Leadership Team, Senate and Council (or nominated committee). This anonymised report will identify trends in student discipline matters, together with any relevant lessons learned.

## **10. Further Information**

- 10.1 Any queries in relation to these processes should be referred to the Student Academic Affairs Team at: [saat@ulster.ac.uk](mailto:saat@ulster.ac.uk)

## **SCHEDULE A - REPORTING OF CRIMINAL CONVICTIONS/ ALLEGATIONS OF CRIMINAL ACTIVITY**

### **DECLARATION OF CRIMINAL CONVICTIONS**

The University acknowledges the key role of education in the rehabilitative process and a criminal record will not normally preclude an applicant from being offered a place at the University. Some courses are, however, exempt from the Rehabilitation of Offenders (Northern Ireland) Order 1978 and applicants are required to disclose all Spent Convictions and Unspent Convictions at the point of application. If a course is exempt from the Rehabilitation of Offenders (Northern Ireland) Order 1978, the prospective student/student will be asked to disclose any convictions and obtain a satisfactory Disclosure and Barring Service Check. Failure to disclose could jeopardise enrolment status.

For all other courses that are not exempt from Rehabilitation of Offenders (Northern Ireland) Order 1978, students will be informed, once their place has been confirmed, that if they have any Unspent Convictions for relevant offence(s), or if they are under investigation for a relevant offence, or if during the course of their studies they are convicted of a relevant offence or become subject to an investigation for a relevant offence, that they need to disclose this to the University. For the avoidance of any doubt, a relevant offence is a criminal offence involving any of the following:

- a. Any act of violence against a person for example (but not limited to); murder, manslaughter, grievous bodily harm, actual bodily harm, wounding, common law assault, common law battery.
- b. Misuse of drugs, including (but not limited to) possession of controlled drugs, possession of controlled drugs with the intention to supply, production of controlled drugs or cultivation of cannabis plant(s);
- c. Any offence listed in the Sexual Offences (Northern Ireland) Order 2008 (or equivalent legislation for offences committed/convictions acquired outside the UK) including (but not limited to) sexual assault, rape, assault by penetration, trafficking for sexual exploitation and any sexual offences involving children and vulnerable adults;
- d. Weapons, arson and explosives.
- e. Any offence listed in the Terrorism (Northern Ireland) Act 2006 (or equivalent legislation for offences committed/convictions acquired outside the UK) which includes (but is not limited to) membership, support or meeting of proscribed organisations, fundraising for terrorism, unlawful collection of information for terrorist purposes;
- f. A Non-Molestation Order or an Order under the Protection from Harassment Order (Northern Ireland) 1997 (or equivalent legislation for offences committed/convictions acquired outside the UK), in which the complainant is a member of the University, or an Anti-Social Behaviour Order or a Sexual Offences Prevention Order;
- g. Spiking, stalking or harassment;
- h. Any aggravating factor of hate, including offences where the perpetrators hostility or prejudice against person or property is on the grounds of the victim's ethnicity; sexual orientation; gender identity; religion; political opinion; and/or disability; and/or where a victim's vulnerability was an aggravating factor. For example, where it is perceived that the perpetrator has been motivated by the vulnerability of the victim for example age, infirmity, or mental capacity.

If a conviction involved an offence similar to those as set out above or which would constitute an offence if it had been committed in Northern Ireland, but was an offence committed outside of Northern Ireland, and conviction for that offence would not be considered spent under the Rehabilitation of Offenders (Northern Ireland) Order 1978, students and prospective students are therefore still obligated declare it.

### **Declaration of Criminal Investigation or Conviction(s) for Existing Students**



Students who become subject to a criminal investigation, proceedings or receive a criminal conviction for a relevant offence(s) after Registration or re-enrolment and before graduation must disclose details to the Student Academic Affairs Team by emailing [saat@ulster.ac.uk](mailto:saat@ulster.ac.uk) as soon as reasonably practicable (and no longer than 5 days), after being notified that this is the case. This includes (but is not limited to):

- Being subject to police investigation and/or subject to pre-charge, police or court bail conditions for a relevant offence.
- Being summonsed in relation to a relevant offence; or
- Being enrolled on a Course covered by the Fitness to Practise Procedure and being subject to police investigation and/or pre-charge or court bail conditions or acquire a criminal record, after admission and before graduation, relating to any criminal offence.
- Being subject to a non-molestation order, protection from harassment or stalking order, or another similar injunction.

In relation to the above, if the relevant criminal / civil proceedings or injunctions acquired relate to matters that occurred outside of Northern Ireland, students remain obligated to disclose this to [saat@ulster.ac.uk](mailto:saat@ulster.ac.uk)

A failure to comply with the obligations contained above is considered to be a Student conduct matter by the University and it, therefore, may result in you being suspended or expelled from the University or your application being declined by the University or your offer being withdrawn.

If a student is applying for a course which is subject to professional standards of fitness, and has previously been barred from any professional body, it is essential that they seek advice from admissions [admissions@ulster.ac.uk](mailto:admissions@ulster.ac.uk) before submitting an application. It is possible that these circumstances may impact on their eligibility for entry into the profession into which their chosen course grants access. Failure to seek advice could have significant financial implications.

Disclosures in relation to criminal convictions will be treated confidentially and sensitively and in full compliance with our Privacy Policy and Data Protection Policy.

Disclosures will be used for the purposes of safeguarding and where necessary the University will carry out a risk assessment. More information relating to the disclosure of criminal convictions can be found in the Student Admissions Policy.

A student convicted of a criminal offence during their period of Registration must notify the Student Academic Affairs Team ([saat@ulster.ac.uk](mailto:saat@ulster.ac.uk)) as soon as reasonably practicable and no later than 5 days after they are notified of this, or they become reasonably aware that they are subject to investigation. A failure to disclose criminal convictions or a delay in disclosure may result in the student being suspended or expelled from the University.

## **SCHEDULE B - INVESTIGATORY PROCEEDINGS**

On receipt of an allegation of student misconduct, the Student Academic Affairs Team will appoint the most appropriate University Conduct Officer to undertake a comprehensive investigation of the allegations made. The University Conduct Officer may appoint an Investigating Officer to undertake the investigation on their behalf and to report back on the findings. This investigation will include the examination of written/oral evidence from the Reporting Student/Person, evidence from the Responding Student, and other relevant evidence (e.g. statements from witnesses, CCTV footage, emails, social media posts etc). The University Conduct Officer/appointed Investigating Officer will be supported in this role by colleagues from the Student Academic Affairs Team.

The Investigating Officer will notify the Responding Student, in writing by email to their University email address, of the details of the allegations against them giving sufficient detail to enable the Responding Student to properly understand the case being made, together with their right to be accompanied at any subsequent interview.

The Responding Student will normally be interviewed by the Investigating Officer. The interview may be conducted face-to-face, by telephone or remotely. The Investigating Officer will be responsible for ensuring a record of all meetings is taken and retained.

Where it is considered appropriate by the Investigating Officer, the Responding Student may be invited to provide a written response to the allegations against them instead of attending an interview. The decision on whether to require the Responding Student to attend an interview or to invite them to submit written representations shall rest with the Investigating Officer.

The Investigating Officer shall make a written report of the findings to the University Conduct Officer, copied to the Student Academic Affairs Team, detailing all the evidence obtained and making a recommendation in respect of action required.

### **University Conduct Officer Hearing**

Where the University Conduct Officer feels that it is appropriate, they may choose at this point to hold a meeting with the Responding Student and any relevant witnesses. In such cases, they will appoint a member of their staff to act as Secretariat to this meeting. The appointed Secretariat will be supported in this role by colleagues from the Student Academic Affairs Team. The Secretariat will keep records of the meeting, and will be responsible for notifying the Responding Student of the time and date of the meeting, for the circulation of documentation etc. The Secretariat will also take and retain minutes as a formal record of the meeting.

The Responding Student shall be required to attend the meeting with the University Conduct Officer and shall be given at least ten working days' written notice of the date, time and venue of the meeting. It will be for the Conduct Officer to determine if this meeting should be held in person or via Teams.

The Responding Student shall be informed of the identity of the University Conduct Officer and will receive copies of all documentation to be considered at the meeting, including the Investigating Officer's report, together with a copy of this Student Conduct Ordinance.

The communication requiring the Responding Student to attend the hearing will:

- (i) State the issue(s) to be considered at the meeting, giving sufficient detail to enable the Responding Student properly to understand the case being made.
- (ii) State the findings of the investigation.

- (iii) Inform the Responding Student of their right to be accompanied and state that the Responding Student is required to confirm the name of the person(s) accompanying them to the meeting at least two working days in advance of the hearing.
- (iv) Check whether any reasonable adjustments require to be put in place prior to attendance to remove any substantial disadvantage caused by a disability.
- (v) Refer the Responding Student to both Student Wellbeing and the Students' Union Advice Bureau.
- (vi) Inform the Responding Student that failure to attend the meeting may lead to the consideration of the case and the imposition of a penalty in the absence of the Responding Student and without further notice.

The Responding Student will be allowed at least five working days in which to prepare their case. All information on which the Responding Student intends to rely should normally be made available to the Student Conduct Officer at least five working days before the date set for the interview. If the University Conduct Officer and the Responding Student are in agreement, an accelerated timeframe may be applied.

Should the Reporting Student/Person and/or Responding Student include witness statements within their investigation submission, the Investigating Officer may contact the witnesses to confirm the accuracy of the statement and to advise that their name and the details of their statement will be disclosed as part of the conduct proceedings. In providing a witness statement, the witness confirms that they are content for their statement to be included and shared as part of the investigation. Student witnesses may be asked to adhere to a Future Conduct Agreement and will be advised of the potential consequences of failing to respect the confidentiality of the process.

Following the meeting, the University Conduct Officer shall make a written report of the findings to the Student Academic Affairs Team, detailing all the evidence obtained and making a recommendation in respect of action required.

### **Decision of the Student Academic Affairs Team**

Taking into consideration the investigatory report and any subsequent meeting, where appropriate, the University Conduct Officer can recommend one or more of the following options to the Student Academic Affairs Team:

- That, having determined that there is no case to answer, the case be dismissed.
- That a misconduct offence has been committed and that verbal advice and warning should be given to the Responding Student, with a record of the advice and warning to be retained on their student record.
- That the Responding Student be required to attend a relevant training course or participate in a relevant volunteering scheme.
- That the Responding Student be required to complete an undertaking e.g., provision of a written apology, removal of content from social media or completion of a reflective report.
- That a conditional discharge be invoked – i.e. that no further action be taken provided the Responding Student fulfils specific conditions as laid down, which may include adhering to a Future Conduct Agreement.
- That the Responding Student be issued with a written warning, to be included on the Student Record until graduation.
- That a fine be imposed, up to a maximum of £250 per offence, depending on the nature of the offence.

- That the Responding Student be required to pay for any loss or damage resulting directly or indirectly from the Responding Student's misconduct.
- That the case be referred to the Student Discipline Office for consideration by the Student Discipline Committee.
- That the case be referred to the relevant School for consideration under the University Fitness to Practise procedure.

A schedule of potential offences is provided at Schedule F. These offences attract a spectrum of financial penalties ranging from £50 to £500. In the case of major offences, sanctions can range from a financial penalty to permanent exclusion from the University.

The decision of the Student Academic Affairs Team will then be communicated to the Responding Student in writing. The Head of the relevant School will be informed. The Responding Student's right to appeal a decision to the Student Discipline Committee, together with the stated timescale, will also be stated in the communication.

### **Appeals Against Decisions of the Student Academic Affairs Team**

A Responding Student may appeal against a decision of the Student Academic Affairs Team to [studentdiscipline@ulster.ac.uk](mailto:studentdiscipline@ulster.ac.uk)

An appeal will only be considered where the Responding Student clearly sets out the grounds for appeal under one or more of the following permissible grounds:

- New evidence has become available which could not have been provided to the Student University Conduct Officer at the time of the original investigation.
- There has been a procedural irregularity in the conduct of the investigation, or the actions of the University Conduct Officer, which had a demonstrable impact on the decision.
- The sanction of the Student Academic Affairs Team was too severe or inappropriate.

There shall be no appeal against a referral to a Student Discipline Committee, where a finding of culpability or liability has not been made.

The Responding Student must also clearly state the outcome they are seeking from the appeal and attach any relevant documentation in support of their appeal which they would wish the Committee to consider. The information provided, together with any supporting evidence, will be provided to the Student Discipline Committee.

The appeal must be submitted to the Student Discipline Office by 4.00pm on the date stipulated in the outcome letter to the Responding Student, as issued from the Student Academic Affairs Team.

Where the Student Discipline Committee has been convened to hear an appeal against the decision of the Student Academic Affairs Team, the options available to Committee are as follows:

- To uphold the appeal in full or in part, and rescind the penalty imposed in full or in part, or where deemed appropriate, impose a different penalty.
- To dismiss the appeal and confirm the penalty imposed by the Student Academic Affairs Team.

In such cases, the decision of the Student Discipline Committee shall be final and there is no further internal right of appeal. Any student who feels aggrieved may make a complaint of maladministration to the Northern Ireland Public Sector Ombudsman within six months of notification of the final decision.

There shall be no appeal against a referral for the University Fitness to Practise Procedure to be invoked.

### **Reporting Student/Person Communication**

At the conclusion of the disciplinary procedure, the Reporting Student/Person will normally be advised whether the Student Conduct Ordinance was invoked and, if so, whether or not a sanction was imposed on the Responding Student. The level of detail provided is entirely at the discretion of the University and will be determined on a case-by-case basis in the context of relevant Data Protection rights and responsibilities.

All persons involved in the process should also be reminded of their duty of confidentiality both during the process and after its conclusion.

## **SCHEDULE C - STUDENT DISCIPLINE PROCEDURES**

### **Procedure**

The Office of the University Secretary will oversee the Student Discipline proceedings and associated Committee. The composition of the Student Discipline Committee will be drawn from the following panel:

- (i) A Pro-Vice-Chancellor, Executive Dean, Senior Officer, Professional Support Director or senior member of academic / academic support staff (who will normally act as Chair).
- (ii) An Associate Dean, a Head of School or Director of Education.
- (iii) A University Conduct Officer.
- (iv) A member of the Students' Union Executive Team.

No member of the Committee should have been involved in the case previously. Members will be independent and will not be from the same School as the Responding Student. At all meetings of the Student Discipline Committee, three members shall constitute a quorum.

The Student Discipline Office within the Office of the University Secretary will act as Secretariat to the Student Discipline Committee. It shall be responsible for the administration of the Committee's proceedings, subject to directions given to it by the Committee. The Secretariat will keep records of the proceedings, with due regard to confidentiality. The Secretariat will be responsible for the circulation of written submissions and other relevant documents. Minutes shall be taken as a formal record of the Student Discipline Committee hearing and retained. All documentation shall be retained and destroyed in line with the approved Data Protection Policy.

If the Chair of the Committee considers the circumstances warrant it (e.g. if the facts of the case are not contested), they may deal with the case summarily.

The Responding Student will be required to attend the meeting of the Student Discipline Committee and will be given at least ten working days' written notice of the date, time and venue of the meeting.

The Responding Student shall be informed of the membership of the Student Discipline Committee and will receive copies of all documentation to be considered by the Committee, together with a copy of this Student Conduct Ordinance.

The communication requiring the Responding Student to attend the hearing will:

- (i) State the issue(s) to be considered at the hearing, giving sufficient detail to enable the Responding Student properly to understand the case being made.
- (ii) State the findings of the investigation.
- (iii) Inform the Responding Student of their right to be accompanied and state that the Responding Student is required to confirm the name of the person(s) accompanying them to the hearing two working days in advance of the hearing.
- (iv) Inform the Responding Student of the procedure which will be used at the hearing.
- (v) Inform the Responding Student that failure to attend the hearing may lead to the consideration of the case and the imposition of a penalty in the absence of the Responding Student and without further notice.
- (vi) Provide the names of Committee members allowing the Responding Student to raise any conflict of interest.

The Responding Student should also be advised that other individuals may be in attendance at the meeting for administration and governance purposes (e.g minute taking). These

individuals will not take part in discussions, nor will they form part of the decision-making process.

- (vii) Check whether any reasonable adjustments require to be put in place prior to attendance to remove any substantial disadvantage caused by a disability.
- (viii) Refer the Responding Student to both Student Wellbeing and the Students' Union Advice Bureau.

The Responding Student shall be allowed at least five working days in which to prepare their case. All information on which the Responding Student intends to rely should normally be made available for the members of the Committee five working days before the date set for the hearing.

A Student Academic Affairs Team member shall be invited to attend the meeting to explain the reasons for the decision. The Responding Student and the Student Academic Affairs Team member shall each be present while the other is speaking.

It is the responsibility of the Student Academic Affairs Team member to seek approval from the Chair in relation to any witnesses they intend to call. This information should normally be made available for the members of the Committee at least five working days before the date set for the hearing.

If the Student Discipline Committee and the Responding Student are in agreement, an accelerated time frame may be applied.

The Responding Student may be invited to submit further information in support of their case. Unless with the prior written approval of the Chair, such written information should normally be submitted to the Committee Secretariat at least five working days in advance of the hearing. The Student Discipline Committee will have access to the record of the first hearing. If new information, which was not available to the Responding Student at the time of the original decision, is presented by the Responding Student, the Committee will consider it.

Where a Responding Student has been convicted of a criminal offence, or accepted any form of diversion, that information will be treated as conclusive evidence of the culpability of the student for the acts alleged.

### **Outcomes available to a Student Discipline Committee**

The Student Discipline Committee shall deal with the case by using one, or any combination of the outcomes available to the Student Academic Affairs Team with the addition of the following:

- (i) A fine, not exceeding £500 per offence.
- (ii) Suspension involving the total or partial prohibition on attendance at or access to University facilities and on any participation in University activities; which may be subject to qualification, such as permission to attend for the purpose of an examination. Students under suspension will not be eligible to enrol or graduate.
- (iii) Temporary or Permanent exclusion from University Accommodation.
- (iv) Expulsion from the University.
- (v) A period of prohibition from making application for any University course.

A schedule of potential sanctions/penalties available to the Committee is provided at Schedule F.

## **Appeal Against the Decision of a Student Discipline Committee**

A Responding Student may appeal against a decision of the Student Discipline Committee to [studentdiscipline@ulster.ac.uk](mailto:studentdiscipline@ulster.ac.uk)

An appeal will only be considered where the Responding Student clearly sets out the grounds for appeal under one or more of the following permissible grounds:

- New evidence has become available, which could not have been provided to the Student Discipline Committee in time for its original hearing, which would have a material effect on the investigation outcome, making it unsound.
- There has been a procedural irregularity in the conduct of the investigation or the Student Discipline Committee which had a demonstrable impact on the decision.
- The Responding Student can demonstrate grounds to show that the sanction of the Student Discipline Committee was too severe or inappropriate.

Dissatisfaction with the outcome of a matter or sanction does not itself constitute grounds for appeal.

There shall be no appeal against a decision of the Student Discipline Committee, where a finding of culpability or liability has not been made.

The Responding Student must clearly state the outcome they are seeking from the appeal and attach any relevant documentation in support of their appeal which they would wish the Appeal Committee to consider. The information provided, together with any supporting evidence, will be provided to the Student Discipline Appeal Committee.

A statement of appeal, clearly articulating the grounds for appeal, must be submitted to the Student Discipline Office by 4.00pm on the date stipulated in the letter giving the decision of the Student Discipline Committee. The stipulated date shall be ten working days after the date of notification to the Responding Student of the decision of the Student Discipline Committee.

### **Procedure**

The Office of the University Secretary will oversee the composition of the Student Discipline Appeal Committee, which will be drawn from the following panel:

- (i) A Member of Council (who will normally act as Chair).
- (ii) A Pro-Vice-Chancellor, Dean or Senior Officer or Professional Support Director.
- (iii) A University Conduct Officer.
- (iv) The President of the Students' Union (or nominee).

No member of the Appeal Committee should have been involved in the case previously. Members will be independent and will not be from the same School as the Responding Student. At all meetings of the Student Discipline Appeal Committee, three members shall constitute a quorum.

The Student Discipline Office within the Office of the University Secretary will act as Secretariat to the Student Discipline Appeal Committee and will be responsible for the administration of the Appeal Committee's proceedings, subject to directions given to it by the Committee. The Secretariat will keep records of the proceedings, with due regard to confidentiality. The Secretariat will be responsible for the circulation of written submissions and other relevant documents. Minutes will be taken as a formal record of the Student Discipline Appeal Committee and retained.



The Responding Student will be required to attend the meeting of the Student Discipline Appeal Committee and will be given at least ten working days' written notice of the date, time, and venue of the meeting.

The Responding Student shall be informed of the membership of the Student Discipline Appeal Committee and will receive copies of all documentation to be considered by the Student Discipline Appeal Committee, together with a copy of the Student Conduct Ordinance.

If both parties are in agreement, an accelerated timeframe may be applied.

The communication requiring the Responding Student to attend the hearing will:

- (i) State the issue(s) to be considered at the hearing, giving sufficient detail to enable the Responding Student properly to understand the appeal process.
- (ii) Inform the Responding Student of their right to be accompanied and state that the Responding Student is required to confirm the name of the person accompanying them to the hearing two working days in advance of the hearing.
- (iii) Inform the Responding Student of the procedure which will be used at the hearing.
- (iv) Inform the Responding Student that failure to attend the hearing may lead to the consideration of the appeal and the imposition of an outcome in the absence of the Responding Student and without further notice.
- (v) Provide the names of Appeal Committee members allowing the Responding Student to raise any conflict of interest.

The Responding Student should also be advised that other individuals may be in attendance at the meeting for administration and governance purposes (e.g minute taking). These individuals will not take part in discussions, nor will they form part of the decision-making process.

- (vii) Check whether any reasonable adjustments require to be put in place prior to attendance to remove any substantial disadvantage caused by a disability.
- (viii) Refer the Responding Student to both Student Wellbeing and the Students' Union Advice Bureau.

The Responding Student may be invited to submit further written information in support of the appeal to the Student Discipline Appeal Committee. Such written information should normally be submitted to the Committee Secretariat, at least five working days in advance of the hearing.

The Chair of the Student Discipline Committee (or nominee) will be invited to attend the meeting to explain the reasons for the decision. The Responding Student and the Chair of the Student Discipline Committee (or nominee) shall each be present while the other is speaking.

The Student Discipline Appeal Committee will have access to the papers considered by the Student Discipline Committee, the minutes of the Student Discipline Committee meeting, the decision letter and any other information deemed appropriate by the Chair of the Student Discipline Appeal Committee. If new information, which was not available to the Responding Student at the time of the Student Discipline Committee decision, is presented by the Responding Student, the Student Discipline Appeal Committee will consider it. Other than such new evidence, the Student Discipline Appeal Committee will consider only the grounds for the appeal submitted by the Responding Student. The appeal hearing will not constitute a re-hearing of the case.

The Student Discipline Appeal Committee will have the authority to:

- (i) Uphold the appeal in full or in part, and rescind the penalty imposed by the Student Discipline Committee in full or in part or, where deemed appropriate, impose a different penalty.

The Student Discipline Appeal Committee may impose a different penalty, less severe than that imposed by the Student Discipline Committee, where the appeal is upheld on the ground set out at above.

- (ii) Dismiss the appeal and confirm the penalty imposed by the Student Discipline Committee.

### **Decision of the Student Discipline Appeal Committee**

The decision of the Student Discipline Appeal Committee shall be final; there is no further internal right of appeal.

In communicating the decision of the Student Discipline Appeal Committee, the Responding Student will be advised of their right to make a complaint to the Northern Ireland Public Service Ombudsman (see Section 8).

## **SCHEDULE D - PRECAUTIONARY SAFEGUARDING MEASURES**

### **1. Precautionary Safeguarding Measures**

The University recognises that it has a pastoral duty of care to all persons involved in conduct/disciplinary processes.

It may be necessary and proportionate, on occasion, for the University to put in place precautionary safeguarding measures at any time during conduct proceedings. Such measures are not a sanction and are designed to ensure the safety and wellbeing of all students and other members of the University community, and to protect the integrity of any investigation or University procedure.

The Student Academic Affairs Team is the central point of contact for all safeguarding concerns. Where these are raised, the Team, based on the evidence available to it at the time, can implement a range of outcomes to include, but not exclusively, the following:

- A requirement for a student(s) to alter their teaching provision and/or residential accommodation arrangements.
- Agreement to adhere to a Future Conduct Agreement.
- Placement /Study Abroad Suspension.
- Recommendation to the Vice-Chancellor (or nominee in the absence of the Vice-Chancellor) in respect of a Precautionary Suspension.

These outcomes are explored further in Sections 2 to 5 below.

### **2. Student – Teaching Provision and Residential Accommodation**

In some cases, involving two registered students, it may be possible to reach agreement about some of the issues in the case in order to focus on the issues that need to be addressed pending the outcome of any criminal, civil or disciplinary proceedings.

Where it appears that an incident may have occurred between two students, but the facts are unclear and/or disputed by the parties, the University will seek, where possible, to facilitate both students in their continued attendance at University and in the use of University facilities, including University accommodation. This may, however, entail one or both students making changes to their routine or moving accommodation. Students should be prepared to make compromises and concessions in order to reach an agreement under such circumstances. Students should also note that such arrangements will not always be possible.

In requesting or requiring a student to do so, the University makes no judgment on what may or may not have occurred or on the guilt or innocence of either party. The University has a duty of care to its entire population and, in this context, will also seek to protect both students and to provide an environment in which they both feel safe and can continue on their programme of study pending the outcome of any criminal, civil or disciplinary proceedings.

### **3. Future Conduct Agreements**

Where appropriate, the University may require one or both students to sign a Future Conduct Agreement. A Future Conduct Agreement will set out any agreement by the two (or more), students involved regarding their future behaviour towards each other, and any other person involved in the process, including witnesses. The Agreement may include the students' consensus about:

- No contact with each other, verbal or written, direct or indirect.

- Reporting “near misses” (i.e. unintended and unforeseen contact).
- For one or both to move accommodation.
- For one or both to make changes to their programme of study or study routine.

Both the Reporting Student/Person and the Responding Student will normally be required to agree to be bound by the Future Conduct Agreement, although the terms of the Agreements may differ.

Failure to comply with the terms of a Future Conduct Agreement will be considered misconduct under the terms of this SCO.

Where the University requires a student to adhere to a Future Conduct Agreement, and a student is not willing to do so, the student has a right of appeal to the Student Precautionary Safeguarding Panel. The request for appeal should details the reasons why the student is not willing to comply as appropriate.

#### 4. Placement/Study Abroad Suspension

The University may impose a suspension on a Responding Student, from attending placement, including clinical placement, following an allegation of misconduct. Failure by the Responding Student to adhere to the conditions of a placement/study abroad suspension may result in the imposition of a Precautionary Suspension.

Where a placement/study abroad suspension has been imposed, the decision will not be re-evaluated until such times as the misconduct procedure or other University procedure has been concluded.

#### 5. Precautionary Suspension

It may be necessary, on occasion, for the Vice-Chancellor (or nominee in the absence of the Vice-Chancellor) to impose a Precautionary Suspension on a student with immediate effect, pending further action under the Student Conduct Ordinance.

A student against whom an allegation of serious misconduct has been raised, or against whom a criminal charge is pending, or who is the subject of police investigation, or is the subject of civil proceedings, may be subject to a Precautionary Suspension from the University (or part thereof) pending a disciplinary hearing or outcome of a police investigation or criminal or civil proceedings.

Where this is the case, the Student Academic Affairs Team will review the circumstances and, where necessary and proportionate, recommend that the Vice-Chancellor (or nominee) imposes a Precautionary Suspension. The purpose of this Precautionary Suspension is to prevent reoccurrence of any alleged misconduct, to protect individuals, witnesses and evidence during the investigation process, to protect the members of the University community more generally, and/or to prevent any continuance of damage to the University's reputation. The decision and any restriction imposed on the student must meet two specific tests, as set out below:

- It must be necessary, in the opinion of the Student Academic Affairs Team, for the protection of the student, other registered students, staff, visitors to the University, any ongoing investigation and/or the University's reputation; and
- It must be proportionate.

Where deemed necessary, the Student Academic Affairs Team may nominate a member of staff to conduct a risk assessment and prepare a report for its consideration. Where relevant, in carrying out a risk assessment, the University may contact the police/relevant authority with a view to obtaining information to enable it to assess the risk of harm or injury to any person or to the University's reputation or facilities.

**Please be assured that the imposition of a Precautionary Suspension from the University (or part thereof) will not be interpreted as any indication that the University has taken any view relating to the culpability of any student.**

Precautionary Suspension is the total prohibition on attendance at or access to University facilities and on any participation in University activities. At the discretion of the Vice-Chancellor (or nominee), this may be subject to qualification, such as to include permission to attend campus for the purpose of an assessment/examination. Students under suspension will not be eligible to enrol or graduate.

During any period of Precautionary Suspension, a student shall have access to appropriate pastoral support by the University's Student Wellbeing.

Where a Precautionary Suspension is imposed by the Vice-Chancellor (or nominee), the case is subsequently referred to the University's Student Safeguarding Committee. The role of the Committee is to keep under review cases where students have been placed on Precautionary Suspension by the Vice-Chancellor (or nominee).

In this context, the Committee will review the imposition of a Precautionary Suspension only in the following circumstances:

- New evidence has become available, which could not have been provided to the Student Academic Affairs Team at the time of the original recommendation, and which could have a material effect on the decision on Precautionary Suspension.
- There has been a material change in the student's circumstances or new evidence/information has emerged.
- The outcome of the University/police investigation, criminal, civil or disciplinary proceedings is known and has been made available to the University.

Dissatisfaction with the outcome of a matter or sanction does not itself constitute grounds for appeal.

The University Secretary's Office will oversee the operation of the Student Safeguarding Committee, the composition of which will be drawn from the following panel:

- (i) A Pro-Vice-Chancellor, Executive Officer, Professional Support Director or senior member of academic / academic support staff (who will normally act as Chair).
- (ii) A University Conduct Officer.
- (iii) A member of the Students' Union Executive Team.

No member of the Committee should have been involved in the case previously, nor should they have/have had any involvement in related investigatory or disciplinary matters or associated committees. Members will be independent and will not be from the same School as the responding student. At all meetings of the Student Safeguarding Committee, three members shall constitute a quorum.

The University Secretary's Office will act as Secretariat to the Student Safeguarding Committee and will keep records of the proceedings, with due regard to confidentiality.

The Responding Student will be required to attend the meeting of the Student Safeguarding Committee and will be given at least ten working days' written notice of the date, time and venue of the meeting. While the Responding Student will be invited to make written representations in respect of the above, such a review will not involve a hearing. All information on which the Responding Student intends to rely should normally be made available for the members of the Committee five working days before the date set for the hearing.

The Responding Student shall be informed of the membership of the Student Safeguarding Committee and will receive copies of all documentation to be considered by the Committee and also a copy of this Student Conduct Ordinance. They will also have the right to be accompanied and will be asked to confirm the name of the person(s) accompanying them to the hearing two working days in advance of the hearing.

If both parties are in agreement, an accelerated timeframe may be applied.

The Responding Student should also be advised that other individuals may be in attendance at the meeting for administration and governance purposes (e.g. minute taking). These individuals will not take part in discussions, nor will they form part of the decision-making process.

Following this review, the Committee can make one of the following three determinations:

- (i) It can determine that the Precautionary Suspension remains in place.
- (ii) It can recommend to the Vice-Chancellor (or nominee in the absence of the Vice-Chancellor) that the Precautionary Suspension be retained but qualified e.g. to allow, in specific circumstances, a student to attend a final examination etc. Where this is the case, the Committee will ensure that the student understands the implications of any such action e.g. of declaring themselves "fit to sit".
- (iii) It can recommend to the Vice-Chancellor (or nominee) that the Precautionary Suspension be lifted. Where the Vice-Chancellor (or nominee) agrees that the Precautionary Suspension can be lifted, the Student Academic Affairs Team will consider the particular context before it and determine the most appropriate course of action available under the University's Student Conduct Ordinance.

## **SCHEDULE E - GENERAL PRINCIPLES**

All processes under the SCO will be underpinned by the following General Principles:

### **1. Natural Justice / Standard of Proof / Burden of Proof**

The burden of proof rests with the University. The standard of proof shall be on the balance of probabilities. To prove something on the balance of probabilities is to prove, based on an assessment of the evidence provided, that it is 'more likely than not'. In an appeal, the burden of proof rests with the responding student.

### **2. Equality, Diversity and Fair Treatment**

The University has a legal, as well as a moral duty, to treat all students fairly. The University values and promotes equality, diversity and inclusion and will seek to ensure that it treats all individuals involved in conduct proceedings fairly and with dignity and respect.

### **3. Confidentiality**

The University will take all reasonable steps to limit the disclosure of information as is consistent with investigating an issue(s) raised and the provisions of all relevant legislation – to include the UK General Data Protection Regulation (Retained Regulation (EU) 2016/679, the UK GDPR).

Students should accept that, in carrying out a full and fair investigation, it may not be possible for their identity to be withheld.

All staff and students who become involved in conduct or disciplinary procedures are required to respect the integrity of the process and the confidentiality of information arising from it, both during and after the conclusion of the process.

Information will only be released to those who require this for the purpose of investigating, safeguarding, decision-making or responding to an issue raised, or other legitimate purpose as approved by the University. No third party will be told any more about the investigation than is necessary or as is highlighted through the provisions of this SCO.

### **4. Reporting Allegations to External Authorities**

The University will not normally make a report on allegations received to an external authority (such as the PSNI) against the wishes of the Reporting Student/Person.

The University does, however, reserve the right to report an allegation of an alleged crime where it considers that there may be a serious risk of harm to any person, or to prevent a further crime taking place. Such decisions will be taken on a case-by-case basis after careful consideration of the wishes of the Reporting Student/Person and the circumstances of the case.

The University is also mindful of its obligations under Section 5 of the Criminal Law Act (Northern Ireland) 1967, which requires a person to report a crime where they believe an offence has been committed and where they have information that is likely to secure, or be of material assistance in securing, a conviction. The University will act, at all times, in accordance with this legislative requirement.

### **5. Favourable Treatment/Victimisation**

No party to an investigation under the SCO will be treated less favourably as a result of their involvement in this process. Victimisation from any involved party shall be grounds for a further, separate investigation and sanction where appropriate.

## **6. Communication**

The University will seek to maintain regular contact by phone/email with anyone involved in a student conduct case. In the case of students or University staff, this will normally be to their University email address. It is the responsibility of the student to regularly check their email account for related communications. The onus is also on the student to keep the University updated on all relevant developments as this process progresses.

## **7. Duty of Candour**

All parties involved in conduct proceedings will be required to treat all other parties involved with respect and courtesy and to exhibit honesty and integrity throughout the process. It is also expected that any evidence (written or oral) provided to the University by any party will be true to the best of that party's knowledge and/or belief.

Any student considered to have acted dishonestly or to have provided false evidence may be referred for investigation under this SCO and/or the Fitness to Practise procedure (as appropriate).

## **8. Relevant Regulations/Procedures**

Where a disciplinary investigation or a subsequent appeal extends over more than one academic year, the relevant University SCO be that in place at the time when the alleged disciplinary offence was notified to the University.

## **9. Anonymous Reports**

Anonymous reports of concerns will not normally be considered. Where a report raises, however, issues of serious concern, the University reserves the right to take action in relation to alleged misconduct against any student of its own volition, even if the Reporting Student/Person does not wish to make a formal statement of allegation(s) or if the allegation is raised anonymously.

Students should accept that, in carrying out a full and fair investigation, it may not be possible for their identity to be withheld.

## **10. Vexatious, Defamatory or Other Improper Allegations**

It is important that those involved in a student conduct investigation do not make or record unsubstantiated, vexatious or defamatory allegations or comments about students, members of university staff or any other person. Where the University considers an allegation or comment made by any party to the SCO to be vexatious, defamatory, or otherwise made with an improper purpose or motive, it may take steps to redact this from all relevant documentation/considerations prior to circulation.

The University also reserves the right to initiate separate action against any registered student, member of University staff or any other person making vexatious, defamatory, or otherwise improperly motivated allegations.

## **11. External Allegations and/or Criminal Proceedings**



Under the SCO, students are required to advise the University immediately of any potential and/or actual criminal offences, in line with the reporting requirements set out in Schedule A.

The University recognises that there may be times where a case brought against a student may not have reached the threshold for a criminal conviction – i.e. where a charge has not been issued by the Public Prosecution Service (PPS), the PPS has discontinued the prosecution, or a defendant has been acquitted. Where, in such cases, the underlying events may still give rise to a breach of this SCO, the University reserves the right to recommence an SCO investigation of its own volition.

## **12. Attendance at Conduct Meetings**

Responding Students are required to attend all conduct meetings to which they are called. Where a Responding Student fails to attend a meeting without good cause, the case may be heard in their absence and without further notice, provided the University Conduct Officer/Student Discipline Committee/Student Discipline Appeal Committee is satisfied that the date, time and venue of the meeting have been notified, in writing, to the Responding Student.

Where a Responding Student notifies the University in advance, and in a timeframe reasonable in the circumstances, that they will be unable to attend the hearing and provides written evidence of good cause, the University Conduct Officer/Student Discipline Committee/Student Discipline Appeal Committee may exercise their discretion to adjourn the hearing at any time.

It is the responsibility of the Responding Student to establish good cause to the satisfaction of the University Conduct Officer/Student Discipline Committee/Student Discipline Appeal Committee.

Where a Responding Student fails to attend a rescheduled meeting, without good cause, the Committee will normally hear the case and make its determination, in the student's absence, without further notice.

## **13. Unfit to engage in Conduct Proceedings**

Where a Responding Student is unable to participate in an investigation or proceedings commenced under the SCO for medical reasons, medical evidence will be required to confirm, to the satisfaction of the University Conduct Officer/Student Discipline Committee/Student Discipline Appeal Committee that this is the case. In such circumstances, any investigation or proceedings will normally be postponed until the Responding Student confirms that they are able and wish to proceed. Responding Students who are unable to participate for medical reasons may be required to take a period of temporary leave from the University.

The University recognises that there may be cases where a Responding Student is on a leave of absence from the University and/or has been deemed unfit to study, but wishes to progress proceedings under the SCO, as unresolved or prolonged proceedings can have a greater negative impact on wellbeing. Decisions as to whether to progress proceedings under the SCO in such circumstances will be made on a case-by-case basis, and in consultation with Occupational Health where appropriate.

#### **14. Support and Right to Be Accompanied**

Any student involved in a student conduct case is encouraged to access support from the University's Student Wellbeing Service and from the [Students' Union Advice Bureau](#).

Any student has the right to be accompanied at any stage in the proceedings by a registered student of the University (to include a Students' Union Officer), or a member of staff of the University. At all stages of the process, students will be notified of their right to be accompanied.

The role of the person accompanying a Responding Student is strictly one of support, not representation, and the Responding Student will be required to answer all questions themselves and make their own representations.

#### **15. Reasonable Adjustments**

Students are required to notify the Student Academic Affairs Team/Student Discipline Office if they require any reasonable adjustments to make the student conduct processes more accessible. The University is committed to providing reasonable adjustments for disability as per applicable law and regulations. Requests will be taken into consideration as required and where reasonably practicable in the application of the SCO in practice.

All reasonable adjustments offered will be at the discretion of the University Conduct Officer/Chair of the relevant Committee.

#### **16. Withdrawal from the University / Inability to engage in Conduct proceedings**

All participants must engage with this SCO and associated proceedings at all times.

If the Reporting Student/Person withdraws or is withdrawn from the University during proceedings commenced under this SCO, or if the Reporting Student/Person disengages from the conduct proceedings, the University reserves the right to determine whether or not to continue with the conduct proceedings in accordance with this SCO.

Any decision not to continue the conduct proceedings shall be final, and the Reporting Student/Person will be informed of their right to raise a complaint with the Northern Ireland Public Services Ombudsman (NIPSO) within six months of notification of the final decision.

If the Responding Student withdraws or is withdrawn from the University during these proceedings, or if they fail to continue to engage with the proceedings, the University reserves the right to continue with the conduct proceedings in accordance with this SCO, without further notice to the Responding Student. In such circumstances, the University reserves the right to also consider additional conduct allegations as appropriate.

The University also reserves the right to suspend the conduct proceedings in the absence of the Responding Student following their withdrawal and, in the event that the Responding Student subsequently applies to the University for re-admission, to recommence the procedure in accordance with this SCO.

The recommencement of any investigation will (as far as reasonably practical) take place prior to the start of the relevant academic year, and re-admission will (in addition to any other conditions e.g., academic conditions), be conditional upon conclusion of the investigation and compliance with any subsequent penalty or agreement applied under this SCO.

In reapplying, the Responding Student is obliged to advise the University, under the terms of the Admissions Policy, if they have previously been subject to any form of conduct allegations or investigation at the University. Failure to do so will be considered as a breach of this SCO.

#### **17. Medical Evidence in Mitigation**

When considering a Responding Student's conduct, the University understands that disabilities or health conditions may affect a student's behaviour. Where unacceptable conduct arises due to disability or health conditions, the University will take medical reports or evidence into account throughout the student conduct process.

Where it so wishes, the University reserves the right to commission its own medical evidence/reports and the student will be requested to comply fully with any related appointments and/or investigation. Where the Responding Student elects not to comply, without reasonable grounds, such refusal will be considered in Committee's deliberations.

In circumstances where behaviour arising from a diagnosed or suspected mental illness and/or physical or behavioural difficulties constitutes a breach of the SCO, sanctions will normally be a last resort, and will usually be applied only if reasonable adjustments, medical and counselling interventions have failed to address satisfactorily the problem behaviour, or where these have been refused by the Responding Student.

#### **18. Professional Bodies**

The University reserves the right to invoke and suspend its own disciplinary procedures, not excepting that a professional, statutory or regulatory body (PSRB) may have initiated civil, criminal or other proceedings, if it is considered appropriate. Where a finding of misconduct is made, and the student has been disciplined by a PSRB, the professional body's findings and penalty can be taken into consideration in determining the penalty under this SCO.

The University may also be required or elect to share information in relation to investigations and outcomes, under the terms of its agreements, with the respective PSRBs.

#### **19. Recordings**

Students will not be entitled to make electronic or digital audio or visual recordings of any meetings or proceedings held under this SCO. Failure to adhere to this requirement will normally be considered as a disciplinary offence.

Committee Chairs reserve the right to hold meetings in rooms where CCTV coverage is available, should they feel this appropriate. Where this is the case, the student will be notified of this at the start of the meeting.

#### **20. Evidence and Witness Statements**

The University reserves the right to request and consider independent evidence or witness statements as it deems appropriate. Where considered necessary, a process may be adjourned in order to allow time for such further evidence to be obtained.

The University may consider this evidence in reaching a decision on whether a disciplinary offence has been committed and when considering the appropriate penalty to be imposed.

The Reporting Student/Person and the Responding Student may submit written statements by witnesses, including character references. Witnesses will not normally be permitted to attend the disciplinary meetings. The decision on whether witnesses will be invited or permitted to

attend a hearing will rest with the University Conduct Officer/the Chair of the Student Discipline Committee/the Chair of the Student Discipline Appeal Committee, as appropriate.

## **21. Deadlines/Timescales**

The University will endeavour to complete all proceedings as quickly as reasonably possible and will keep those involved updated on progress and related timescales where appropriate. Additional time may be required for complex cases (such as cases involving allegations of serious misconduct or those being taken forward by external bodies).

It may prove to not be reasonably practicable to adhere to precise timescales for various reasons, including by way of example only when key staff are on leave, or otherwise indisposed, or where the complexities of the case warrant extended scrutiny. Where it is not possible for the University to meet these deadlines, for whatever reason, all relevant parties will be kept informed, as appropriate.

## **22. Fitness to Practise**

In cases where either the Student Conduct Ordinance or Fitness to Practise Procedure may be invoked, the Student Academic Affairs Team will liaise with the appropriate School and any other Officer as required to determine which process should apply.

The decision to invoke one particular process, however, does not preclude a later decision to transfer a case to another process, or to run both processes in parallel, if the circumstances or details of the case, after further investigation, deem this to be more appropriate.

## **23. Outcome Notification**

Notification of a decision will be sent to the Responding Student and copied to relevant persons normally within ten working days of the outcome being determined. Relevant parties will be advised in the case of delay.

In relation to Serious Misconduct Cases, the Reporting Student/Person will normally be advised of the outcome of the investigation into their report of alleged serious misconduct i.e. whether a finding of serious misconduct has been made or not and whether an appeal has been launched. If a finding of serious misconduct has been made, they may be advised as to whether a penalty was imposed on the Responding Student or not, along with a brief rationale for the decision. This notification will be made upon conclusion of the appropriate procedure or appeal procedure where this has been enacted.

Any decisions in this regard will be made on a case-by-case basis and at the discretion of the relevant Chair, in consultation with the University's Data Protection Officer.

## **24. Appeals**

Students are entitled to appeal the outcome of conduct proceedings and full details on the relevant process and associated appeal mechanisms are set out in the Student Conduct procedures.

Appeals against the decision of the Student Academic Affairs Team, or against the decision of the Student Discipline Committee, received after the specified deadline will not be considered, unless the Responding Student can provide evidence of exceptional circumstances beyond their control (e.g., hospitalisation). The decision on whether the appeal should be accepted for consideration will rest with the University Conduct Officer/the Chair of the Student Discipline Committee/the Chair of the Student Discipline Appeal Committee, as appropriate.

## SCHEDULE F - SCHEDULE OF OFFENCES

Please note that Schedules of Offences have been included for illustrative purposes only. The Student Academic Affairs Team/Student Discipline Committee retains discretion to take a view on the seriousness of the offence and to levy any sanction it feels appropriate in light of the evidence before it.

Ref.	Examples of Minor Offences
A1.	Smoking or vaping in a non-designated area (outside)
A2.	Drinking alcohol in a prohibited area
A3.	Smoking or vaping in a prohibited area (inside)
A4.	Burning incense, candles or items which produce a naked flame on University premises without appropriate authorisation
A5.	Failure, without reasonable cause, to produce personal identification upon request
A6.	Minor anti-social disturbance including off-campus noise disturbance
A7.	Causing minor harm or threatening to cause minor harm to another person (e.g., slap, push) or making threats via social media or online platform
A8.	Minor vandalism or malicious damage to property – including to the work of another student(s)
A9.	Disruption or obstruction of, or interference with, the functions, duties or activities of the University or any member of the University or authorised visitor of the University, whether on University premises or elsewhere
A10.	Behaviour which interferes with the legitimate freedom of speech, ideas or actions or enquiry of any other student or member of staff
A11.	Minor indecent misconduct
A12.	Failure to engage with a misconduct procedure and/or failure to comply with a penalty previously imposed under these regulations for a minor offence
A13.	Breach of University Regulations or Policy and Procedures
A14.	Misuse of learning materials, including online and recorded materials, provided to students by the University
A15.	Public Disorder

**In all cases, the Committee may apply non-pecuniary penalties where appropriate, either in place of or in addition to pecuniary penalties.**

Ref.	Examples of Major Offences
B1.	Minor offence committed by a student with two or more previous minor misconduct offences

Ref.	Examples of Major Offences
B2.	Taking property without the consent of the owner
B3.	Major vandalism or malicious damage to property
B4.	Misuse of fire or other safety equipment
B5.	Failure to engage with the University's misconduct procedure and/or failure to comply with a penalty previously imposed under the Conduct Ordinance on more than one occasion
B6.	Behaviour which brings, or may bring, the name of the University into disrepute
B7.	Possession of an illegal substance or illegal possession of a controlled drug, or possession of any prescription drug which has not been prescribed directly to the student
B8.	Possession of an illegal or dangerous item – firearm, knife, explosives etc.
B9.	Production of, offer of, sale of or giving to any person, any illegal substance, controlled drug or prescription drug
B10.	Abusive, threatening, intimidating, bullying or harassing behaviour whether on or off campus, in person or via social media or online platform
B11.	Making false, frivolous, malicious, mischievous or vexatious allegations against another member of the University
B12.	Serious indecent misconduct
B13.	Sexual misconduct, including attempted sexual misconduct
B14.	Failure to disclose the required information to the Student Academic Affairs Team in respect of criminal convictions etc.
B15.	Deliberate fabrication or falsification of evidence or information provided to the University
B16.	Physical misconduct
B17.	Threats of physical misconduct
B18.	Significant public disorder
B19.	Repeated or serious/gross misuse of learning materials, including online and recorded materials, provided to students by the University
B20.	Failure to engage with an investigation into allegations of serious misconduct
B21.	Recording others without their prior knowledge and agreement

**In addition to the above penalties, students may be required to pay for any loss or damage that resulted directly or indirectly from the Responding Student's misconduct.**

**In all cases, the Committee may apply non-pecuniary penalties where appropriate, either in place of or in addition to pecuniary penalties.**

Previous Disciplinary Record

If the Responding Student has a previous disciplinary record, this may be taken into account when considering the penalty or penalties to be applied. This will depend on the factual circumstances of the disciplinary matters including when they occurred and when the previous disciplinary penalty was awarded.