

Code of Discipline for External Students

1. **Purpose**

The purpose of this Code is to provide for the determination of an allegation of an offence of misconduct against a student.

2. **Definitions**

“University premises” means the Senate House, Stewart House (including the surrounding land owned by the University) and the premises and land owned by a Lead College.

“Misconduct” is defined below.

“Student” means an External Student of the University.

3. **Misconduct which may be subject to proceedings under this code**

- 3.1 The general principle underlying Misconduct is improper interference, in its broadest sense with the proper functioning or work of the University or activity which otherwise damages the University.
- 3.2 The following paragraphs elaborate on this general principle without derogating from its generality.
- 3.3 For the conduct in question to be characterised as misconduct, it must in every case be shown to fall within the general principle in paragraph 3.1. It is open to a student facing an allegation of misconduct to argue that the conduct in question, whether or not falling within one or more of the following paragraphs, should not be treated as misconduct because it does not fall within the general principle of paragraph 3.1.
- 3.4 The following shall (subject to the above) constitute misconduct:
 - (a) disruption of, or improper interference with, the academic, administrative, social or other activities of the University, whether on University premises or elsewhere;
 - (b) obstruction of, or improper interference with, the functions, duties or activities of any Student, member of staff or other employee of the University or any authorised visitor to the University;
 - (c) violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in any writing, sign or other visible representation including electronically) whilst on University premises or engaged in any University activity;
 - (d) distributing or publishing a poster, notice, sign or any publication which is threatening, abusive, insulting, or constitutes harassment or is otherwise illegal or makes others fear violence;
 - (e) fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;

- (f) action likely to cause injury or impair safety on University premises;
- (g) sexual or racial harassment of any student or employee of the University, or any authorised contractor or visitor to the University;
- (h) breach of provisions in the University's Code of Practice on Meetings etc.
- (i) in accordance with the University's Equal Opportunities Policy, discrimination against, or harassment of, an employee or student on any of the grounds set out in sections (3) and (4) of Statute 3;
- (j) examination offences specified as misconduct in regulations for examination offences made under Ordinance 15;
- (k) breach of any rule or code or regulation which provides for breaches to constitute misconduct under this Code;
- (l) damage to, or defacement of, University or Lead College property or the property of other members of the University community - including members of Lead Colleges – caused intentionally or recklessly, and misappropriation of such property;
- (m) misuse or unauthorised use of University premises or items of property, including computer misuse;
- (n) conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:
 - (a) took place on University premises, or
 - (b) affected or concerned other members of the University community, or
 - (c) damages the good name of the University, or
 - (d) itself constitutes misconduct within the terms of this Code, or
 - (e) is an offence of dishonesty, where the student holds an office of responsibility in the University;
 - (f) is such as to render the student unfit to practise any particular profession or calling to which that student's course leads directly;
- (o) behaviour which brings the University into disrepute;
- (p) failure to disclose name and other relevant personal details to an officer of the University in circumstances when it is reasonable to require that such information be given;
- (q) notwithstanding paragraph 4, where a student is enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling, any conduct which renders that person not fit to be admitted to and practise that profession or calling;
- (r) failure to comply with a previously-imposed penalty under this Code.

4. Misconduct need not take place on University premises to be considered misconduct; misconduct may be committed by students attending another institution or a work placement in the United Kingdom or abroad, or taking part in sporting activities, or approved field trips or other activities in connection with their course.

5. Allegations of Misconduct

- 5.1 Allegations of an offence of misconduct by a student may be made in writing to the Director of Administration by any student or member of staff or member of the University. The Director of Administration shall make any enquiries that are appropriate at this stage before forwarding the allegation to the Vice-Chancellor.
- 5.2 As the majority of External students are resident overseas, a student will be sent a copy of this Code and Ordinance 26 (Code of Student Discipline) and asked whether he/she is prepared to agree to the Vice-Chancellor considering the evidence in their absence. If the student agrees to the evidence being considered in their absence, full details of the evidence obtained will be sent to the student who will be given an opportunity to comment prior to a decision.
- 5.3 If a student so wishes, their case may be considered under the provisions of Ordinance 26 (Code of Student Discipline).
- 5.4 Where a student has agreed to the Vice-Chancellor considering the evidence in their absence, the Vice-Chancellor may;
- (1) dismiss the allegation
 - (2) rule that no further action be taken, but such a ruling shall not preclude informal action such as issuing a caution or warning
 - (3) find the allegation proved, in which case the Vice-Chancellor may impose one or more of the following penalties:
 - (a) Reprimand;
 - (b) Warning;
 - (c) Fine of not more than a maximum amount to be determined by the Council from time to time¹;
 - (d) Payment of compensation in whole or part in respect of damage to property or injury to the person. The compensation shall be paid to the University, or to the owner or possessor of the property damaged, or to the person injured, as the Committee shall decide;
 - (e) Prohibition on holding any office, or any particular office, including committee membership in any body or society in the University;
 - (f) Exclusion from prescribed University premises or facilities (including libraries) for a period of up to one year, such facilities to be prescribed by the Vice-Chancellor;
 - (g) Suspension for a period of up to one year. Suspension may be ordered to take effect subject to such terms and conditions as the Vice-Chancellor may prescribe, but otherwise shall prevent the student from entering University premises and facilities or making use of any University facilities or participating in any University activities;
 - (h) Expulsion, which shall permanently prevent the student from entering University premises and facilities or making use of any University facilities or participating in any

¹ Until revised by the Council the maximum fine for a single offence shall be £1000

University activities (and meaning termination of registration).

- 5.5 Before deciding the penalty to be awarded, account shall be taken of the effect on the student's ability and eligibility to take an examination.
- 5.6 In fixing any penalties, the Vice-Chancellor shall have regard to the means of the student and may allow time to discharge the penalty, or order the sum to be paid in prescribed instalments.
- 5.7 The penalty or penalties may take immediate effect or come into effect at some future date or after some stated future event (e.g. any further offence).
- 5.8 In imposing a penalty on a student pursuing a course leading to professional practice, the Vice-Chancellor shall, if appropriate, have regard to the relevance of the misconduct in relation to the student's fitness to be professionally registered and may in this connection seek appropriate advice.

6. Appeals

- 6.1 A student against whom an allegation of misconduct has been upheld may appeal in writing, addressed to the Director of Administration, within seven days of the date of the written notification of the decision, on one or more of the following grounds which shall be specified in the letter of appeal:
 - (1) that the penalty imposed was not available under the provisions of this Code;
 - (2) that the penalty was excessive or inappropriate;
 - (3) that there was a procedural irregularity or a failure to observe the provisions of this Code;
 - (4) that the penalty cannot, having regard to the evidence adduced, be reasonably sustained².
- 6.2 The appeal shall immediately be referred to the Deputy Vice-Chancellor for reconsideration or to the Vice-Chancellor if consideration of the case under this Code was delegated by the Vice-Chancellor according to paragraph 8.
- 6.3 The decision of the Deputy Vice-Chancellor or Vice-Chancellor is final.
- 6.4 *Readmission after expulsion*
No Student who has been expelled following proceedings under this Code shall be re-admitted at any time, save with the express permission of the Council
- 6.5 *Reports to the Council*
Decisions under this Code shall be reported to the Council as reserved areas of business.

² Fresh evidence may be advanced in support of an appeal only where it could not reasonably have been made available at the time of the original hearing

7. Interpretation

Unless the contrary appears from the context, reference to a specific office holder where such office holder is unable to act, or is prevented from acting by the terms of the Code, shall include reference to a nominee, a deputy, or to the person acting in the office.

8. Delegation

The Council of the University, in making this Code authorises the Vice-Chancellor to:

- (1) delegate the Vice-Chancellor's powers and duties under this Code to the Deputy Vice-Chancellor or a Pro-Vice-Chancellor either generally or in respect of a particular case; and
- (2) appoint an officer or officers to act on behalf of the Vice-Chancellor and the other officers prescribed in this Code in respect of allegations of misconduct made against students, provided that no student shall be either expelled, or suspended for a period of more than 3 months, without the agreement of the Vice-Chancellor.

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Annex 1 to Code of Discipline for External Students

Policy in respect of offences that are also criminal offences

Reporting criminal offences to the Police

1. In taking a decision about whether or not an alleged offence by a student should also be reported to the police, officers shall be guided by this section, by the *Notes of Guidance on Student Disciplinary Procedures* issued by the Committee of Vice-Chancellors and Principals and any further guidance which the Vice-Chancellor may issue from time to time.
2. In the case of an alleged offence which would constitute a serious offence under the criminal law if proved in a court of law, a decision shall be taken about whether or not the alleged offence should also be reported to the police. It shall be assumed for the purpose of deciding if an alleged offence is serious or not that serious offences include those that would be likely to attract a custodial sentence on conviction, and those (in England and Wales) that are triable only on indictment in the Crown Court. Criminal offences defined as "not serious" may include, but are not restricted to, for example, minor assault or damage to property.
3. Minor offences need not be reported. Allegations of serious offences which are against property or where there is no victim shall normally be reported to the police.
4. Where there is a victim of an offence, the victim must be encouraged to report the matter to the police. Any person may report the offence on their behalf with their consent, but if the victim declines to report it or will not permit it to be reported, an officer of the University shall only in exceptional circumstances make a report against their wishes. Exceptional circumstances include the possibility of the alleged victim or others being exposed to risk if the matter is not reported (for example if violence has allegedly been used and there seems a risk of it being repeated) or if there have been similar allegations in the past or if the assault was so serious that the victim is unable to make a decision.
5. Referrals to the police by officers of the University must be reported immediately to the Vice-Chancellor.

Disciplinary proceedings

6. In the case of serious offences under the criminal law, no action (other than suspension or exclusion) may be taken unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time a decision will be taken on whether disciplinary action should continue or be taken;
7. Where the offence under the criminal law is judged to be not serious, disciplinary action may continue, but may be deferred pending police investigation or prosecution;

Annex 1 to Code of Discipline for External Students

continued

8. The following procedures apply where the alleged offence (whether or not it constitutes misconduct) would also constitute an offence under the criminal law if proved in a court of law:
 - (1) the University may punish a student in respect of an offence (whether or not it constitutes misconduct) even if that offence has already been the subject of criminal prosecution and penalty; where the offence is proven, and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining a penalty peculiar to the University;
 - (2) when action is taken following a conviction that amounts to misconduct, the conviction shall be taken as evidence of the misconduct and shall be open to challenge only to the extent that the student disputes that he or she was the person convicted.
9. A student convicted in a criminal court and sentenced to imprisonment for twelve months or more shall be deemed to have withdrawn from the University and may be readmitted only with the permission of the Vice-Chancellor.
10. A student acquitted in a criminal court may not be the subject of an allegation of misconduct which is in substance the same as the alleged offence of which he or she has been acquitted. A claim that the alleged offence took place at the same time as, or was otherwise connected with, the alleged criminal offence shall not preclude disciplinary proceedings.

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Annex 2 to Code of Discipline for External Students

Disciplinary offences related to a medical condition

1. If it is believed that the alleged offence by a student may be related to a medical condition (including mental ill-health and substance (including alcohol) abuse), the student may be required by the Vice-Chancellor to be examined by a suitably qualified medical practitioner, who shall prepare a report. The Vice-Chancellor will consult with a registered medical practitioner, normally a member of the staff of a school of medicine in the University when considering a report.
2. If the allegation of misconduct is proved to the satisfaction of the Vice-Chancellor, the Vice-Chancellor shall have available an additional power to require a student to withdraw, temporarily or permanently, from the University on account of the student's ill health. In the event of the student being required to withdraw permanently, the student's registration shall be terminated.
3. If a student is required to withdraw and appeals, the Vice-Chancellor shall sit with a registered medical practitioner who shall normally be a member of the staff of a school of medicine in the University, to reconsider the case.

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Annex 3 to Code of Discipline for External Students

Suspension and exclusion pending a hearing

1. A student who is the subject of an allegation of misconduct or against whom a criminal charge is pending or who is the subject of police investigation may be suspended or excluded by the Vice-Chancellor pending the verdict of a court. Suspension shall be used only where exclusion would be inadequate. Where the Vice-Chancellor has delegated the power under this section, a full report shall be made as soon as possible to the Vice-Chancellor of any suspension or exclusion under this section.
2. Suspension and exclusion under this Code mean suspension and exclusion from the University with the effect that participation in academic activities connected with their course is prevented or curtailed as follows:
 - (1) Suspension involves the total prohibition on attendance at or access to the University and on any participation in University activities; but it may be subject to qualification, such as permission to sit an examination.
 - (2) Exclusion involves selective restriction on attendance at or access to the University or prohibition on exercising the functions or duties of any office or committee membership in the University, the exact details to be specified in writing.
 - (3) Suspension shall be used only where exclusion from specified activities or facilities would be inadequate.
3. An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
4. The power to suspend or exclude under this provision is to protect the members of the University community in general or a particular member or members and the power shall be used only where the Vice-Chancellor is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision shall be recorded and made available to the Student.
5. No student shall be suspended or excluded unless the student has been given an opportunity to make representations in writing or in person to the Vice-Chancellor.
6. In cases of great urgency, the Vice-Chancellor is empowered to suspend a student with immediate effect.
7. A decision to suspend, or exclude from academic activities associated with the student's programme of study, shall be subject to review, at the request of the student, where it has continued for four weeks. Such a review will not involve submissions made in person, but the student shall be entitled to submit written representations. The review will be conducted by the Vice-Chancellor where the decision to suspend or exclude was made by someone else, and by the Deputy Vice-Chancellor where the decision was made by the Vice-Chancellor.

Annex 3 to Code of Discipline for External Students
continued

8. The Vice-Chancellor or other person who took the original decision shall review the suspension or exclusion every four weeks in the light of any developments and of any representations made by the student or anyone else on their behalf.

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Annex 4 to Code of Discipline for External Students

Guidelines governing posters, notices, temporary signs, the distribution of literature and communications

1. If notice boards are provided for the display of posters, notices and temporary signs they must be used, and if a person, office or organisation is designated as responsible for the notice board permission must first be obtained from them. Except for official University and departmental notices for which no permission is needed, permission to display will normally be granted only to Students representing recognised university groups, societies or other organisations.
2. Display on doors, walls and other surfaces will normally be restricted to safety or emergency notices. If the display of other material is permitted or tolerated it must not detract from or obscure those notices, or obscure windows, or transparent panels in doors.
3. Permission must be obtained before displaying loose material, such as booklets and pamphlets; permission may not be granted if there is no suitable place for display.
4. Display material should normally be presented in the English language, and must be easily removable without cost or damage.
5. All material on display, whether single-sheets, pamphlets or booklets, must contain the name of the individual or group responsible for its promulgation and in the case of a group, the name and address of a member or officer who takes personal responsibility for the display.
6. Except when agreed in advance, material displayed in, on, or fixed to, University premises becomes the property of the University, and the University reserves the right for its officers to remove and dispose of it without warning. Material displayed in contravention of these rules may be removed, and those responsible for the display may be required to pay for the cost of removal and any repairs to surfaces, or (at the discretion of the University) for storage until disposal or collection.
7. The following may result in disciplinary action, and may be treated as misconduct: breaches of these rules; concealment or unauthorised removal of, or tampering with, official or authorised notices; circulation of, or sending, a poster, notice, sign or any other publication or communication¹ which is offensive, intimidating, threatening, indecent, or illegal or is circulated or sent with the intention of making others fearful, anxious or apprehensive, or which has that effect.

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¹ Including electronic publications, and electronic and telephonic communications and their message services such as e-mail and voice-mail