

ORDINANCE 17

3. Misconduct which may be subject to proceedings and penalties under this Code is improper interference in its broadest sense with the proper functioning or work of the University, or activity which otherwise damages or is likely to damage the University.
4. The following paragraphs elaborate this general principle but not so as to derogate from its generality.
5. For the conduct in question to be characterised as misconduct, it must be shown to fall within the general definition in paragraph 3. 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 interfere or damage in the manner contemplated by paragraph 3.
6. The following shall (subject to paragraphs 3 to 5 above) constitute misconduct:
 - 6.1 disruption of, or improper interference with, the academic, administrative, social or other activities of the University, whether on University premises or elsewhere, including electronic domains such as, but not limited to, Virtual ;
 - 6.2 obstruction of, or improper interference with, the functions, duties or activities of any Student, member of staff of the University or any visitor to the University;
 - 6.3 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, engaged in any University activity, or in an online environment of the University;
 - 6.4 cyber crime

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- 6.11 damage to, or defacement of, University premises, or the property of members of the University - including members of Member Institutions - caused intentionally or recklessly, and/or misappropriation of such property;
 - 6.12 misuse or unauthorised use of University premises or items of property, including computer misuse;
 - 6.13 conduct which constitutes a criminal offence (whether or not it leads to a conviction) where that conduct or offence:
 - 6.13.1 took place on University premises, or
 - 6.13.2 in an online environment of the University, or
 - 6.13.3 affected or concerned other members of the University community, or
 - 6.13.4 damages the good name of the University, or
 - 6.13.5 itself constitutes misconduct within the terms of this Code, or
 - 6.13.6 is an offence of dishonesty, where the Student holds an office of responsibility in the University; or
 - 6.13.7 is such as might render the Student unfit to practise any particular profession or calling to which that student's course leads directly;
 - 6.14 behaviour which brings or is likely to bring the University into disrepute;
 - 6.15 failure to disclose name and other relevant personal details to staff of the University, or personnel conducting an activity of the University, in circumstances when it is reasonable to require that such information be given;
 - 6.16 notwithstanding paragraph 3, 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 might render that person not fit to be admitted to and practise that profession or calling²;
 - 6.17 failure to comply with a previously imposed penalty under this Code.
7. Misconduct need not take place on University premises to be considered under this Code.
8. The Board of Trustees, in making this Code:
- 8.1 authorises the Vice-Chancellor to delegate his or her powers and duties under this Code to the Deputy Vice-Chancellor either generally or in respect of a particular case; and
 - 8.2 authorises the University Secretary to delegate his or her powers and duties under this Code (a) in the case of allegations against Students of Central Academic Bodies to the Dean, or an appropriate senior officer, of the appropriate Central Academic Body either generally or in respect of a particular

² The courses meant by this paragraph include without limitation undergraduate courses in medicine, dentistry and pharmacy.

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case; and (b) in the case of other Students of the University, to an appropriate senior officer of the University.

9. Allegations of an offence of misconduct by a Student

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16. The following applies to hearings conducted in person, or in real time by electronic means. A hearing conducted by correspondence will instead require the named parties to make equivalent submissions in writing, if appropriate:
 - 16.1 the Student may be assisted or represented by any member of the University;
 - 16.2 the University Secretary shall give the Student any further evidence produced since notice of the allegation was given, and provide an opportunity for the Student to answer the allegation, and to question any witnesses who appear in person;
 - 16.3 the Student may request that witnesses be called, in which case the University Secretary may question them; and
 - 16.4 at any time, the University Secretary may terminate the proceedings and refer the allegation for hearing by a Disciplinary Committee, in which case the University Secretary may suspend the Student from attendance at the University, or impose any restrictions as specified in paragraph 17 pending the hearing of the allegation by the Disciplinary Committee.
17. Following a hearing, the University Secretary may:
 - 17.1 dismiss the allegation, in which case the matter shall be terminated; or
 - 17.2 refer the matter back for local determination; or
 - 17.3 find the allegation proved, in which case the University Secretary may impose one or more of the following penalties:
 - 17.3.1 a warning;
 - 17.3.2 a fine not exceeding £250;
 - 17.3.3 compensation in respect of damage to property or injury to be paid by the Student not exceeding £500. The compensation is to be paid to the University or to the owner or possessor of the property damaged or to the person injured, as the University Secretary

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18. In fixing any financial penalties, the University Secretary 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.
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- 28.5 exclusion from prescribed University premises or facilities (including libraries and electronic domains and services, including but not limited to Virtual Learning Environments) for a period of up to one year, such facilities to be prescribed by the Disciplinary Committee, but not including exclusion from attendance at lectures, classes, tutorials, withholding of learning materials, or other activities immediately connected with the Student's course of study;
- 28.6 that the candidate not be permitted to enter or re-enter for a particular examination or assessment, or for all examinations or assessments in a particular session, as designated by the Disciplinary Committee, for a set period;
- 28.7 that, following satisfactory completion of the conditions for the award, no degree/diploma/certificate be awarded to the candidate before the expiry of a stated period of time;
- 28.8 suspension of registration for a period of up to one year;
- and
- 28.9 termination of registration.

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ORDINANCE 17 ANNEX 1

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, staff shall be guided by this section 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 the alleged offence should normally be reported to the police. Such offences include those that would, in accordance with the decisions of the Sentencing Guidelines Council, attract a custodial sentence or a community penalty on conviction, and those (in England and Wales) that are triable only on indictment in the Crown Court.
- 3.

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9. 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.

1 August 2008

ORDINANCE 17 ANNEX 2

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 University Secretary pending disciplinary action or the verdict of a court
the provisions of the Data Protection Act and to the extent permitted by law).
Suspension shall be used only where exclusion would be inadequate. Where the

