

## Regulations as to the Discipline of Students<sup>9</sup>

### MISCONDUCT DEFINED

1. Misconduct for the purposes of these Regulations is improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University; or action which otherwise damages the University.

2. Subject to the general definition in the preceding Regulation, the following shall constitute misconduct

- (a) disruption of, or improper interference with, the academic, administrative, sporting, 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 whilst on premises owned or managed by the University or engaged in any University activity or which affects or concerns any member of the University;
- (d) 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;
- (e) behaviour likely to cause injury or impair safety on premises owned or managed by the University or such behaviour which affects or concerns any member of the University;
- (f) behaviour which puts or is likely to put at risk of harm any person with whom a student has dealings as part of a programme of study or research
- (g) sexual, racial or any other form of personal harassment of any student, member of staff or other employee of the University or any authorised visitor to the University;
- (h) breach of the University's Code of Practice relating to Meetings and Other Activities on University Premises under section 43 of the Education (No 2) Act 1986 or of any other Regulation which provides for breaches to be dealt with under these Regulations;
- (i) the use of any unfair means in the assessment process of the University;
- (j) damage to, or defacement of, property on any premises owned or managed by the University or the property of other members of the University community caused intentionally or recklessly, or misappropriation of such property;
- (k) misuse or unauthorised use of premises or items of property in premises owned or managed by the University, including computer misuse;

- (l) conduct which constitutes a criminal offence where that conduct
  - (i) took place on premises owned or managed by the University, or
  - (ii) affected or concerned other members of the University community, or members of the public, or
  - (iii) damages the good name of the University, or
  - (iv) itself constitutes misconduct within the terms of these Regulations, or
  - (v) is an offence of dishonesty, where the student holds an office of responsibility in the Union of Students, or on premises owned or managed by the University;
- (m) behaviour which brings or is likely to bring the University into disrepute, for example misconduct in a community or other public setting;
- (n) failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
- (o) failure to comply with a previously-imposed penalty, requirement or undertaking under these Regulations.
- (p) breach of any tenancy agreement in relation to accommodation owned or managed by the University.

### DISCIPLINE PANEL AND DISCIPLINE COMMITTEE

Reference in these Regulations to the Director of Student Services includes any person authorised to act on their behalf.

3. There shall be a Discipline Panel which shall consist of

- (a) at least three members of the staff of the School of Law appointed by the Senate to be Chairmen of the Discipline Panel; and
- (b) at least seven members of the academic staff appointed by the Senate, and;
- (c) persons nominated by the Director of Student Services.

If for any reason no Chairman of the Discipline Panel is able to act, the Director of Student Services may appoint another person with legal training to act as a Temporary Chairman, and that person may be a member of the academic staff of another University.

4. The Discipline Committee of the Senate acting in respect of any matter shall be convened by the Director of Student Services and shall comprise

- (a) a Chairman of the Discipline Panel;
- (b) two other members of the Discipline Panel (in the case of alleged misconduct by a student in appropriate professionally accredited programmes

<sup>9</sup> Regulations 1-2 apply to students in all Faculties. Regulations 3-33 apply only to students in the Sheffield-based Faculties. Separate Regulations apply to students in the International Faculty ([www.city.academic.gr/docs/ifgenspec.pdf](http://www.city.academic.gr/docs/ifgenspec.pdf)).

of study, to include one member of the Discipline Panel who is a member of the staff of that Faculty registered with the relevant professional regulatory body);

- (c) two student members appointed by the President of the Union of Students (or if the President is unable to act, by the Education Officer of the Union)

A secretary to the Committee shall be appointed by the Director of Student Services.

#### **REPORTING OF ALLEGED MISCONDUCT**

5. Any member of the University who becomes aware of conduct by a student which might become the subject of proceedings under these Regulations shall report the matter to the Director of Student Services.

#### **INITIAL INVESTIGATION**

6. The Director of Student Services shall make enquiries and determine

- (a) that no further action be taken under these Regulations; or
- (b) that the matter be referred for consideration under the administrative procedure established under these Regulations; or
- (c) that the matter be referred to a Chairman of the Discipline Panel with a view to the consideration of the matter under the summary procedure established under these Regulations; or
- (d) that the matter be referred to the Directors of Accommodation and Commercial Services, to Corporate Information and Computing Services, to the Library or to the President of the Union of Students with a view to the matter being dealt with under the disciplinary procedures of the Director of Accommodation and Commercial Services or the Union of Students or the Regulations on the Use of Computing Facilities or the Regulations Relating to the Library or under General Regulation 9 concerning Ethics Approval; or
- (e) that the matter be referred to the Discipline Committee.

7. When the matter appears to disclose the commission of a serious criminal offence, no further action (except in respect of the suspension of the student) shall be taken under these Regulations unless the matter has been reported to the police and either a decision not to prosecute has been taken or the trial has been completed. If a student is acquitted before a criminal court, no further proceedings shall be taken under these Regulations in respect of the same facts. Where a student has been convicted and sentenced by a criminal court, the verdict of the court shall not be open to challenge in proceedings under these Regulations and the sentence shall be taken into consideration in determining the penalty under these Regulations.

#### **SUSPENSION OF STUDENTS**

8. A student who is the subject of a complaint of misconduct or against whom a criminal charge is

pending or who is the subject of police investigation may be suspended by the Vice-Chancellor pending the completion of proceedings under these Regulations, the trial of the charges or the completion of the police investigation. Suspension may involve exclusion from all premises owned or managed by the University and activities of the University or may be limited to specified places or activities or by reference to time or other circumstances. It may include a requirement that the student have no contact of any kind with a named person or persons. The Vice-Chancellor may take action under this Regulation only to protect the University community in general or a particular member or members of that community or members of the public and shall limit the scope of any suspension to that which is, in his opinion, necessary to achieve that object. The Vice-Chancellor shall notify the student in writing of the terms of the suspension and shall also keep a record in writing of the terms of any suspension and any subsequent action taken by him in respect of the suspension.

9. Before exercising his powers under the preceding Regulation, the Vice-Chancellor shall give the student concerned an opportunity to make representations in person or in writing. In cases of great urgency the Vice-Chancellor may suspend a student with immediate effect, and without giving any such opportunity, for a period of not more than seven days, and shall in any such case review the suspension at or before the end of that period having in the meantime given the student concerned an opportunity to make representations in person or in writing.

10. The Vice-Chancellor shall review any suspension every four weeks in the light of any developments and any representations made by or on behalf of the student. Where the terms of the suspension prevent the student from continuing a programme of study or research, the student may require the suspension to be reviewed on written representations after the initial period of four weeks by a Chairman and two other members of the Discipline Panel (none of whom shall be members of the Discipline Committee dealing with the matter) who may set aside or vary the terms of the suspension.

#### **PROCEDURE WHEN MATTER REFERRED TO A DISCIPLINE COMMITTEE**

11. Where the Director of Student Services determines that the matter be referred to the Discipline Committee, the Director of Student Services shall appoint an officer to take charge of the proceedings ("the officer") who shall formulate specific charges identifying the acts of misconduct alleged, and notify the student of the charges and supply to the student copies of any documents or written statements on which it is proposed to rely in support of the charges. The student shall be given at least fourteen days notice of the date upon which the Discipline Committee will meet, and shall be asked to indicate in writing not less than three days before the hearing whether the charge is admitted or denied and of any wish to question at the hearing the maker of any written statement. A Chairman of the

Discipline Panel (who may, but need not be, the person appointed to take the chair of the Discipline Committee dealing with the matter) may give directions as to the procedure to be followed in preparing for the hearing (which may include directions varying the time-limits in this Regulation where the student would not be prejudiced thereby), being directions designed to ensure a fair and speedy resolution.

12. The hearing shall be in private. The student may be accompanied at the hearing by a friend or representative, whether legally qualified or not. The officer may be similarly accompanied. A representative may speak and act on behalf of the student or the officer as the case may be. If the student has not already admitted the charge under the preceding Regulation, each charge shall at the hearing be put to the student who shall be invited to admit or deny it. If the student does not admit the charge, the hearing shall proceed as though the student denied the charge.

13. If the charge is denied, the officer shall present the facts alleged and present material in support of the charge (which may take the form of oral or written statements by witnesses or of documents or digital images). The student may then make a statement and present material in refutation of the charge. The officer and the student may each ask questions and comment upon the material presented by the other party. The Discipline Committee may itself ask questions or seek additional material (any such material to be open to question and comment by either party) and may adjourn from time to time as seems expedient. The Discipline Committee shall then (in the absence of all other persons) decide whether it is satisfied on the material before it that the charge is made out.

14. If the charge is admitted, or the Discipline Committee finds the charge made out, the officer and the student may make statements and present material relevant to the question of the penalty to be imposed. The Discipline Committee shall then (in the absence of all other persons) determine the penalty to be imposed.

15. If the student fails to attend the hearing, the Committee may proceed if it is satisfied that due notice of the meeting has been given, or may adjourn to a later date. If the Committee acts in the absence of the student it shall proceed as if the student denied the charge unless it is satisfied that the student has voluntarily provided a written admission of the charge as specified.

#### **PENALTIES**

16. The Discipline Committee may impose any one or more of the following penalties

- (a) a reprimand;
- (b) with the consent of the student, a requirement that the student gives an undertaking as to future conduct in such terms and containing such conditions as the Committee may prescribe, breach of the undertaking to constitute misconduct;
- (c) in the case of the use of unfair means in the assessment process of the University in relation to taught programmes of study, refusal of credit for

any or all units for which the student is registered or part thereof with in each case no grade being returned or the grade amended to reflect the reduced grade) with or without the right to enter for a subsequent examination in respect of that unit or part thereof;

- (d) in the case of the use of unfair means in the assessment process of the University in relation of a Higher Degree by research, failure in the examination with or without a right to submit a revised thesis in the case of a first submission, or for a candidate for the Degree of PhD, PhD with Integrated Studies, PhD in an EPSRC Doctoral Training Centre, DEdCPsy, DMedSci, EdD, DBA, DDSc, EngD or MD failure in the examination with the right to be considered by the Examiners for the award of a Master's Degree;
- (e) a fine of not more than £750;
- (f) the payment of compensation in a sum not to exceed £1,000 for damage to property or loss or injury to any person caused by the student;
- (g) exclusion for a stated period or permanently from any part of the University or from the use of any of the facilities of the University;
- (h) suspension for a stated period from membership of the University;
- (i) expulsion from membership of the University.

#### **SUMMARY PROCEDURE**

17. When the matter is referred to be dealt with under the summary procedure, the Director of Student Services shall nominate a member of the Discipline Panel to act as Chairman and shall

- (a) notify the student of the acts of misconduct alleged and that the matter has been referred to a Chairman of the Discipline Panel to be dealt with under the summary procedure;
- (b) supply to the student and the Chairman of the Discipline Panel a statement of the facts alleged and copies of any other written material relevant to the circumstances;
- (c) require the student to attend at a summary hearing of which the student shall be given at least seven days' notice; and
- (d) ask the student to confirm in writing not later than three days before the summary hearing that the charge is admitted and to indicate any wish to question at the summary hearing the maker of any written statement on any matter relevant to the penalty to be imposed.

18. The summary hearing shall be in private. The student may be accompanied at the hearing by a friend or representative, whether legally qualified or not, who may speak and act on behalf of the student. A representative of the Director of Student Services shall also attend.

19. Where the student has given notice of an intention to do so, the student may question the maker of any written statement and may make representations

relevant to the question of the penalty to be imposed. The Chairman of the Discipline Panel shall then determine the penalty to be imposed.

20. The Chairman of the Discipline Panel may impose any one or more of the following penalties

- (a) a reprimand;
- (b) with the consent of the student, a requirement that the student gives an undertaking as to future conduct in such terms and containing such conditions as the Chairman of the Discipline Panel may prescribe, breach of the undertaking to constitute misconduct;
- (c) in the case of the use of unfair means in the assessment process of the University, refusal of credit for any or all units for which the student is registered or part thereof (with in each case no grade being returned or the grade amended to reflect the reduced grade);
- (d) a fine of not more than £100;
- (e) the payment of compensation in a sum not to exceed £250 for damage to property or loss or injury to any person caused by the student.

21. If the student fails to confirm that the charge is admitted, or fails to attend the summary hearing, or the Chairman of the Discipline Panel considers that the available penalties are insufficient, the Chairman of the Discipline Panel may refer the matter to the Discipline Committee (of which he or she shall not be a member) and may give directions as to the procedure to be followed in preparing for a hearing of the matter by that Committee.

#### **ADMINISTRATIVE PROCEDURE**

22. The Director of Student Services shall appoint an investigating officer who shall

- (a) notify the student of the act or acts of misconduct alleged;
- (b) require the student to attend a meeting of which the student shall be given at least three days' notice;

23. The meeting shall be in private. The student may be accompanied at the meeting by a friend or representative, whether legally qualified or not.

24. Where the student admits the act or acts of misconduct alleged, the investigating officer may impose one or more of the following penalties:

- (a) with the consent of the student, a requirement that the student gives an undertaking as to future conduct in such terms and containing such conditions as may be prescribed, breach of the undertaking to constitute misconduct;
- (b) a fine of not more than £100;
- (c) the payment of compensation in a sum not to exceed £250 for loss or damage to property of any person caused by the student.

25. If the student fails to confirm that the act or acts of misconduct alleged are admitted, or fails to attend the meeting, or the investigating officer considers that the available penalties are insufficient, the investigating

officer may refer the matter to the Director of Student Services for reconsideration in line with Regulation 6.

#### **DISCIPLINARY POWERS OF THE DIRECTOR OF ACCOMMODATION AND COMMERCIAL SERVICES IN RELATION TO THE OCCUPATION OF ACCOMMODATION OWNED OR MANAGED BY THE UNIVERSITY**

26. The Director of Accommodation and Commercial Services shall have the power in the interests of the student residents, as well as that of the University to respond to misconduct in accommodation owned or managed by the University. Misconduct is defined in sections 1 and 2 of these Regulations. Reference to the Director of Accommodation and Commercial Services in this and the following Regulations includes any person authorised to act on their behalf.

27. Where a report of alleged misconduct against any student resident is received, the Director of Accommodation and Commercial Services shall investigate the matter and

- (a) notify the student of the act or acts of misconduct alleged;
- (b) supply to the student a statement of the facts alleged and copies of any other written material relevant to the circumstances;
- (c) require the student to attend a meeting of which the student shall be given at least three days' notice.

28. The meeting shall be private. The student may be accompanied by a friend or representative, whether legally qualified or not, who may speak or act on behalf of the student.

29. The student may question any statement made and may make representations relevant either to the facts alleged or the question of the penalty imposed.

30. If the Director of Accommodation and Commercial Services is satisfied that a student resident is guilty of misconduct, then one or more of the following penalties may be imposed

- (a) with the consent of the student, a requirement that the student gives an undertaking as to future conduct in such terms and containing such conditions as may be prescribed, such as writing letters of apology or undertaking a period of voluntary service, breach of the undertaking to constitute misconduct;
- (b) a fine of not more than £100;
- (c) the payment of compensation for loss or damage to property of any other person in a sum not to exceed £250;
- (d) exclusion of the student from any part of the accommodation owned or managed by the University or from specified activities taking place in the accommodation for a stated period of time.

31. Where the matter is judged to be of a serious nature or is not admitted, the matter may be referred to the Director of Student Services, with a view to it being dealt with under Regulations 11-15 or 17-21.

**CONTRACTUAL POWERS OF THE DIRECTOR OF ACCOMMODATION AND COMMERCIAL SERVICES**

32. These Regulations shall be without prejudice to the rights of the Director of Accommodation and Commercial Services or the University under any residential contract entered into by the student or as the owner or occupier of the premises comprising accommodation owned or managed by the University.

**APPEALS**

33. There shall be a Disciplinary Appeals Committee of the Senate which shall be convened by the Director of Student Services and shall comprise

- (a) a Chairman of the Discipline Panel (other than a member of the Discipline Committee for the particular matter);
- (b) a senior member of the academic staff appointed by the Director of Student Services;
- (c) an officer of the Union of Students (other than a member of the Discipline Committee for the particular matter) appointed by the President of the Union of Students (or if the President is unable to act, by the Education Officer of the Union).

If for any reason no Chairman of the Discipline Panel is able to act, the Director of Student Services may appoint another person with judicial experience or legal training. If for any reason no officer of the Union of Students is able to act, the President of the Union of Students (or if the President is unable to act, the Education Officer of the Union) may appoint another member of the Union with experience of disciplinary matters.

34. The student may appeal from a decision of the Discipline Committee or of a Chairman of the Discipline Panel or of the investigating officer or of the Director of Accommodation and Commercial Services to the Disciplinary Appeals Committee of the Senate upon any one or more of the following grounds

- (a) that there was a material procedural irregularity which rendered the process leading to the initial decision unfair;
- (b) that the penalty imposed was too severe as being disproportionate to the gravity of the charge admitted or found to have been made out;
- (c) that material of which the student could not reasonably have been expected to have been aware at the time of the initial decision casts substantial doubt upon the appropriateness of that decision.

35. Notice of appeal, specifying which of the grounds listed in the preceding Regulation is relied upon, shall be given, within fourteen days of the notification to the student of the decision of the Discipline Committee or of the decision of the Chairman of the Discipline Panel or of the decision of the investigating officer or the Director of Accommodation and Commercial Services, to the Director of Student Services who shall refer the appeal to the Disciplinary Appeals Committee. The student shall be given at least fourteen days' notice of

the date upon which the Disciplinary Appeals Committee will meet.

36. The Director of Student Services may refer a case to the Disciplinary Appeals Committee in any case where no valid notice of appeal has been given but where there appear to be grounds for believing that the original decision was unsafe or unsatisfactory.

37. At the hearing of the appeal, the student may be accompanied at the hearing by a friend or representative, whether legally qualified or not. The officer shall act as respondent to the appeal and may be similarly accompanied. A representative may speak and act on behalf of the student or the officer as the case may be. The student and the officer may each address the Disciplinary Appeals Committee as to the grounds of the appeal, and the student may reply to the arguments adduced by the officer. If the Disciplinary Appeals Committee upholds the appeal in whole or in part, it may as the case requires

- (a) quash the decision; or
- (b) substitute a lower (or in the case of an appeal brought on the ground that the penalty imposed was too severe, a higher) penalty; or
- (c) in the case of an appeal from a decision of the Discipline Committee refer back for rehearing by a differently-constituted Discipline Committee either the matter as a whole or the decision as to penalty.

**PROVISIONS AS TO EXAMINATIONS**

38. Where a penalty imposed under these Regulations includes the refusal of credit for any unit (or part thereof), the student shall be deemed to have taken and failed the assessment in that unit or component with no grade being returned and the results of any relevant examination shall reflect (and if already approved shall be revised to reflect) that position.

**DISCIPLINARY POWERS OF THE UNION OF STUDENTS**

39. The Union of Students shall, subject to these Regulations, have power to prevent misconduct in the premises and areas assigned to the Union of Students and may exercise discipline over its members under such rules as may be made under the Constitution of the Union and approved by the Senate.

**NOTICE TO THE STUDENT**

40. The despatch of a letter to a student's address last notified to Student Services shall fulfil any requirement of giving notice or information to the student under these Regulations.