



**UNIVERSITY OF  
PORTSMOUTH**

# Code of Student Behaviour

**Academic Standards, Quality and Partnerships  
Department of Student and Academic Administration**

**September 2018**

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## Summary

### What is this document about?

The Code of Student Behaviour outlines acceptable behaviour of students of the University, both on and off of the University campus, in order to secure the proper working of the University.

### How does the University check this document is followed?

The Academic Standards, Quality and Partnerships team within Department of Student and Academic Administration (DSAA) is responsible for ensuring that the Policy is followed. A record of all formal action taken by staff against students is kept by DSAA. The Academic Registrar, or their representative, is present at every major misconduct Disciplinary Panel to ensure that this Policy is followed.

### Who is this document for?

This document will be of most interest to new and existing students and University staff.

### Who can you contact if you have any queries about this document?

If you have questions about this document please contact Academic Standards, Quality and Partnerships, Department of Student and Academic Administration (DSAA) [asqp@port.ac.uk](mailto:asqp@port.ac.uk)

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## 1. Introduction

- 1.1 The University of Portsmouth has common rules and regulations to ensure that students, staff and the wider community can work together to achieve our ambitions without damaging each other's interests.
- 1.2 The University of Portsmouth is committed to the provision of the highest quality education and recognises that an important part of that commitment is the operation of disciplinary procedures to protect the University community from misconduct.
- 1.3 The purpose of the Code of Student Behaviour is to outline acceptable behaviour of students of the University, both on and off of the University campus, in order to secure the proper working of the University.
- 1.4 The expectations of students' behaviour are set down in the University of Portsmouth Student Charter available at [www.port.ac.uk/studentcharter](http://www.port.ac.uk/studentcharter).
- 1.5 This Code of Student Behaviour is not part of the law of the land and does not therefore seek to reflect or incorporate a legal approach in its procedures.
- 1.6 The Code of Student Behaviour gives detailed regulatory advice concerning features that could potentially affect students during their university life. This document forms part of the student contract and students of the University of Portsmouth are bound by the current regulations in force. The University reserves the right to amend the current regulations as it deems necessary.
- 1.7 This code applies to all students of the University of Portsmouth.
- 1.8 A glossary of the terms used is available in Appendix A.

## 2. Definition of misconduct

2.1 Misconduct is defined under this Code as:

- i) improper interference with the proper functioning or activities of the University, or those who work, study or visit in the University; or
- ii) action which otherwise damages or is likely to damage the University, its staff, its students or its visitors; or
- iii) attempting to complete any assessment by means considered to be unfair; or
- iv) antisocial behaviour both within the University and within the wider community.

2.2 The following shall (subject to the above in section 2.1) constitute General Misconduct:

- i) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;
- ii) violent, indecent, disorderly, threatening, or offensive behaviour or language;
- iii) fraud, deceit, deception or dishonesty in relation to the University or its staff;
- iv) action likely to cause injury or impair safety on University premises;

- v) bullying and harassment;
- vi) breach of the provisions of any University code of conduct, rule or regulation;
- vii) misuse or unauthorised use of University premises or items of property;
- viii) conduct which might constitute a criminal offence;
- ix) behaviour which brings the University into serious disrepute;
- x) failure to disclose name and relevant details to an employee of the University when it is reasonable to require that such information be given;
- xi) failure to respond to requests to moderate behaviour;
- xii) antisocial or disorderly conduct which caused distress to others;
- xiii) failure to comply with a previously-imposed penalty;
- xiv) failure to provide complete and accurate information on the student application or registration form.

2.3 In addition, the following are acts which constitute Academic Misconduct:

- i) failure to comply with the General Rules for the Conduct of Examinations;
- ii) any attempt to complete any assessment by means considered to be unfair;
- iii) plagiarism as defined in the Examination and Assessment Regulations;
- iv) failure to provide an electronic copy of an assessment when requested;
- v) the late return of equipment loaned by a Faculty or Department which is required by other students to complete an assessment;
- vi) losing, breaking or damaging equipment loaned by a Faculty or Department which is required by other students to complete an assessment.

2.4 The procedures for dealing with General Misconduct and Academic Misconduct are the same. There are additional penalties that can be applied in the case of Academic Misconduct.

2.5 The list of acts that constitute misconduct is not exhaustive. The University reserves the right to regard any conduct within the general rubric of section 2.1 as misconduct.

## **3. Disciplinary procedures relating to misconduct**

### **3.1 Introduction**

3.1.1 These regulations set out the procedures for disciplinary action against students alleged to have committed misconduct.

Initially, where the allegation is one of research misconduct by a postgraduate research student, any allegation will be dealt with under the Procedure for the Investigation of Allegations of Misconduct in Research which is available at [www.port.ac.uk/accesstoinformation/policies/researchandknowledgetransferservices/filetodownload,180225,en.pdf](http://www.port.ac.uk/accesstoinformation/policies/researchandknowledgetransferservices/filetodownload,180225,en.pdf).

3.1.2 There is no time limit for the determination of allegations of misconduct, or for the determination of appeals against decisions made, but the University shall seek to ensure decisions are made as quickly as is consistent with proper consideration of the issues.

3.1.3 Students studying by distance learning may not be able to attend the interviews associated with the procedures laid out in the following sections. In all such cases, correspondence may be used in place of the interview and the procedures may be modified to reflect this, subject to the agreement of the Academic Registrar.

3.1.4 Where the disciplinary process is following a complaint being made, the person who made the complaint will be kept informed after stages 3.2.3, 3.3, 3.4, 3.7 and 3.9 (where appropriate) by the Authorised Person:

- i) whether the matter will be dealt with as Minor or Major misconduct; and
- ii) whether the person they complained about is guilty or not guilty of the allegation; and
- iii) any penalties that specifically relate to them (e.g. exclusion from halls, order to apologise, any code of conduct that relates to them). Where penalties do not relate specifically to the student (such as a final warning), the person making the complaint will only be told that an appropriate penalty has been issued.

## **3.2 Preparatory procedures and initial action in the student's School or Department**

3.2.1 Disciplinary action against a student may be initiated by any member of staff or student of the University, or by anyone involved in the provision of a training or placement opportunity for the student.

3.2.2 Any allegation should be raised initially by speaking or writing to the relevant Authorised Person. The formal procedure should not be initiated until the Authorised Person has considered the allegation and taken steps to confirm that there is evidence that misconduct has taken place and may be the responsibility of the student against whom the allegation is made.

3.2.3 The matter may be informally resolved to the satisfaction of both parties without the need for further action, otherwise the Authorised Person follows the procedure below:

- i) An interview will be arranged between the student and the Authorised Person.
- ii) Prior to the interview, the student must be made aware of the allegation against them and sent copies of any evidence to be considered.
- iii) The student is entitled to be represented and/or accompanied by a friend at the interview.
- iv) The Authorised Person shall appoint a secretary to keep records of the proceedings.

- v) Should the student be unable to attend the interview in person, the student should contact the Authorised Person before the interview, who can make alternative arrangements to consider the allegation such as by telephone (normally by conference call to allow the secretary to keep records), by correspondence, via the Virtual Learning Environment or by email.
- vi) Should the student fail to attend the interview without good reason, the Authorised Person may proceed in their absence.
- vii) If, following the interview, the Authorised Person does not believe, on the balance of probabilities, the offence to have been committed by the student, a written retraction shall be issued.
- viii) If, following the interview, the Authorised Person believes that, on the balance of probabilities, misconduct has been committed by the student, they shall decide whether it should be dealt with as a Minor Offence or a Major Offence.

### **3.3 Minor Offences**

3.3.1 If the Authorised Person believes that misconduct has been committed and should be dealt with as a Minor Offence, a penalty shall be given from the outcomes below:

- Requirement to pay for, or otherwise make good, any damage caused, or other costs incurred by the University as a direct consequence of the misconduct.
- Reprimand that may form part of the student's permanent record.
- Temporary exclusion from specified parts or facilities of the University for a period not to exceed the remainder of the academic year.
- For Academic Misconduct only, reduction of the mark originally awarded.
- For Academic Misconduct only, cancellation of the assessment and the mark recorded as 0%.
- For Academic Misconduct only, cancellation of all assessment artefacts for the unit(s) and the mark for each recorded as 0%.
- Any penalty deemed reasonable in the circumstances which may include an order to apologise, the restriction of facilities or an imposed contract of conduct.
- Any combination of the penalties defined above.

3.3.2 Any decision made and penalty set by an Authorised Person should be checked by another Authorised Person to confirm that it was reasonable before being communicated to the student.

3.3.3 The student shall be notified in writing of any sanctions to be applied and their right of appeal. Notes of this interview and a record of any sanctions applied must be taken, and a copy of these must be sent to the Academic Registrar.



### **3.4 Appeal against Minor Offences outcomes**

3.4.1 A student shall have the right of appeal against the findings of the Authorised Person, and/or against the sanctions imposed. No other person may appeal.

3.4.2 An appeal is lodged by the submission of a signed and dated statement from the student, to either the Pro Vice-Chancellor (Education and Student Experience) for academic offences or to the Chief Operating Officer for non-academic offences, headed 'Statement of Appeal' within ten working days of the date of issue of the written decision from the Authorised Person.

3.4.3 The Statement of Appeal must be based on one or more of the following grounds:

- ix) a material procedural irregularity which impacted significantly on the validity of the original hearing and the subsequent penalty;
- x) new evidence that could not reasonably have been made available to the initial disciplinary hearing;
- xi) that the penalty imposed was too severe bearing in mind the circumstances of the case and the treatment of other students in similar positions.

3.4.4 The Pro Vice-Chancellor (Education and Student Experience) or the Chief Operating Officer, as decided in 3.4.2, shall consider the appeal together with the papers considered by the original hearing. The Pro Vice-Chancellor (Education and Student Experience) or the Chief Operating Officer can uphold, amend or rescind the decision of the original hearing. The student shall be informed of the Pro Vice-Chancellor's (Education and Student Experience) or the Chief Operating Officer's decision in writing together with the reasons for the decision.

3.4.5 If the appeal be unsuccessful, the student will have completed the University's appeals procedures and will be issued with a Completion of Procedures letter which will enable them to take their appeal to the Office of the Independent Adjudicator for Higher Education.

### **3.5 Major Offences**

3.5.1 If the Authorised Person believes that misconduct has been committed and should be dealt with as a Major Offence, the Authorised Person shall submit a signed and dated Allegation of Major Offence in writing to the Academic Registrar. The statement must be headed 'Allegation of Major Offence'.

3.5.2 The Allegation of Major Offence must:

- i) set out clearly the name of the student against whom the allegation is made, the nature and full details of the Major Offence alleged and all the supporting evidence to be presented;
- ii) explain the steps taken to confirm that evidence exists that the Major Offence has taken place and that it could be the responsibility of the student;

- iii) explain why the Major Offence is considered to justify the taking of disciplinary action in accordance with these regulations.

3.5.3 The Academic Registrar shall consider the Allegation of Major Offence and determine whether it is valid in accordance with 3.5.1 and 3.5.2 above and, if valid, whether it is to be treated as a Major Offence.

3.5.4 If the Academic Registrar believes that the Allegation of Major Offence is valid but should not be treated as a Major Offence, the Allegation of Misconduct will be returned to the Authorised Person to apply sanctions from the list at paragraph 3.3.1.

3.5.5 The Academic Registrar shall give notice of that decision in writing to the Authorised Person lodging the Allegation of Major Offence within ten working days of its receipt. A copy of the notice and of the Allegation of Major Offence shall be sent to the student's Head of Department if they are not the Authorised Person.

3.5.6 An Allegation of Major Offence may be withdrawn by the Authorised Person at any time before the issue of a Decision Notice.

3.5.7 The Vice-Chancellor may direct that an Allegation of Major Offence be withdrawn at any time before the issue of a Decision Notice.

3.5.8 If an Allegation of Major Offence is withdrawn the proceedings are terminated immediately and no further action may be taken against the student concerned in relation to the alleged misconduct.

### **3.6 Formal notice of disciplinary action following an Allegation of Misconduct**

3.6.1 The Academic Registrar shall give formal notice of impending disciplinary action relating to misconduct to each student named in an Allegation of Major Offence found valid. The formal notice shall consist of:

- i) a copy of the Allegation of Major Offence;
- ii) the date, time and venue of the inquiry;
- iii) details of where help and advice may be sought;
- iv) a copy of the documentary evidence that will be considered;
- v) details of their right to representation or support at the panel.

3.6.2 The formal notice shall be deemed to have been received by the student if a copy of the document is sent by recorded delivery to the student's local and home address.

### **3.7 Disciplinary Panels**

3.7.1 After the decision that an Allegation of Major Offence is valid and to be treated as a Major Offence, the Academic Registrar will appoint a Disciplinary Panel, who have no previous involvement with the matter, to determine the Allegation of Major Offence.

3.7.2 The Disciplinary Panel shall consist of:

- i) a member of Academic Council or an Authorised Person as Chair;
- ii) a member of Academic Council or an Authorised Person;
- iii) a student nominated by the Students' Union Council.

The Academic Registrar shall act as the Secretary to the Disciplinary Panel and keep records of the proceedings.

3.7.3 The Academic Registrar shall supply all members of the Disciplinary Panel with copies of the formal notice issued to the student.

3.7.4 A Disciplinary Inquiry shall be held to allow the presentation and consideration of evidence. The Disciplinary Inquiry shall be governed by the Inquiry Procedure Rules of the University, as set out at Appendix B.

3.7.5 If the student is unable to attend they can submit a written statement of case to the Academic Registrar which will be considered at the Disciplinary Inquiry.

3.7.6 Having considered the evidence presented at the Disciplinary Inquiry, the Disciplinary Panel shall determine the allegation. If the allegation is proven, the Disciplinary Panel will then fix an appropriate penalty from the list below:

- Permanent exclusion from the University.
- Temporary exclusion from the University, for a period not to exceed one year.
- For Assessment Misconduct only, the cancellation of all assessment results achieved during the academic year in which the offence took place.
- For Assessment Misconduct only the limitation of marks or award that a student may achieve.
- Any penalty from the those available to an Authorised Person in section 3.3.
- Any combination of the penalties defined above.

In fixing the penalty the Disciplinary Panel shall take advice from the Academic Registrar with reference to precedents and comparability. The Panel will determine its findings in relation to the evidence they have seen and heard on the balance of probabilities except where the offence is such that the student may be excluded, temporarily or permanently, where the Panel needs to be convinced beyond reasonable doubt that the allegation is proven. The Disciplinary Panel may take account of any mitigation when fixing the penalty.

3.7.7 As soon as possible after the determination of the allegation, the Academic Registrar shall issue the Decision Notice. The Decision Notice shall consist of the following:

- i) a summary of the major points made during the Disciplinary Inquiry;
- ii) a concise rationale of its findings;
- iii) a concise statement of the Disciplinary Panel's findings in relation to the Allegation of Misconduct;
- iv) in the case of any finding that a student is responsible for misconduct, the penalty to be applied and the arrangements for its application; and
- v) an explanation of the student's right of appeal.

3.7.8 The Decision Notice shall be copied to the student's Head of Department.

### **3.8 Appeals**

3.8.1 A student shall have the right of appeal against the findings of the Disciplinary Panel and/or against the penalty imposed. No other person may appeal.

3.8.2 An appeal is lodged by the submission of a signed and dated statement from the student to the Academic Registrar, which should be headed 'Statement of Appeal'.

3.8.3 A Statement of Appeal must be lodged within ten working of the date of issue of the Decision Notice.

3.8.4 The Statement of Appeal must be based on one or more of the following grounds:

- i) a material procedural irregularity, which might have impacted significantly on the validity of the original hearing and the subsequent penalty;
- ii) new evidence that could not reasonably have been made available to the initial disciplinary hearing;
- iii) that the penalty imposed by the disciplinary hearing was too severe bearing in mind the circumstances of the case and the treatment of other students in similar positions.

### **3.9 Determination of appeals**

3.9.1 The lodging of a Statement of Appeal suspends the application of any penalty originally fixed, until the appeal is withdrawn or an Appeal Decision Notice issued.

3.9.2 The appellant may withdraw the Statement of Appeal at any time before the issue of an Appeal Decision Notice. In such cases, the appeal shall be deemed to have failed.

3.9.3 As soon as possible after the receipt of a Statement of Appeal the Academic Registrar shall determine whether it is valid in accordance with section 3.8.

3.9.4 As soon as possible after the decision that an appeal is valid, the Academic Registrar shall appoint an Appeal Panel, who have had no previous involvement with the matter.

3.9.5 For appeals against a penalty imposed by a Disciplinary Panel, the Appeal Panel shall consist of:

- i) a member of Academic Council or an Authorised Person as Chair;
- ii) a member of Academic Council or an Authorised Person;
- iii) a student nominated by the Students' Union Council.

The Academic Registrar will act as Secretary to the Appeal Panel and keep records of the proceedings.

3.9.6 The Appeal Panel shall convene to consider the grounds of appeal. An Appeal Inquiry shall be governed by the Inquiry Procedure Rules of the University. The persons entitled to

appear at the inquiry shall be the student lodging the Statement of Appeal and the person responsible for the Allegation of Misconduct.

3.9.7 Having considered the evidence, the Appeal Panel shall determine the appeal and can uphold, amend or rescind the decision of the original hearing. In amending any penalty, the Appeal Panel shall take advice from the Academic Registrar with particular reference to precedents and comparability. The penalty shall be constrained only by the tariffs of penalty as defined in paragraph 3.7.5 and not by the penalty fixed by the original Disciplinary Panel. Any penalty fixed by the Appeal Panel shall replace entirely any penalty fixed by the original panel.

3.9.8 As soon as possible after the determination of the appeal the Academic Registrar shall issue to the student an Appeal Decision Notice which will consist of:

- i) a concise statement of the Appeal Panel's findings;
- ii) a concise rationale of its findings;
- iii) in the case of any finding that a student is responsible for misconduct, the penalty to be applied and the arrangements for its application; and
- iv) an explanation of the student's rights of appeal.

3.9.9 The Appeal Decision Notice shall be copied to the Chair of the Disciplinary Panel, the Head of Department and any other parties agreed at the Appeal Panel. The decision shall be reported to Academic Council and to the Board of Governors.

3.9.10 If the appeal is unsuccessful, the student will have completed the University's appeals procedures and will be issued with a Completion of Procedures letter which will enable them to take their appeal to the Office of the Independent Adjudicator for Higher Education.

## **4. Suspension pending a hearing**

4.1 The Vice-Chancellor may suspend a student with immediate effect who is alleged to have committed misconduct which may result in disciplinary action.

4.2 The power to suspend is to protect the members of the University community in general or a particular member or members and 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.

4.3 The decision will be reviewed the Vice-Chancellor within five working days of the initial suspension. The suspended student will be given an opportunity to make representations in person to the Vice-Chancellor. Where for any reason it appears to the Vice-Chancellor that it is not possible for the student to attend in person, he or she shall be entitled to make written representations.

4.4 Following the initial review, a further review will take place every four weeks. The review shall not involve a hearing or submission made in person, but the student shall be entitled to submit written representations.

## **5. Professional bodies**

- 5.1 Students on certain professional courses will also be subject to the professional standards that are expected of them at all times. Students will be informed of these standards at the start of the course and this Code is complementary to, and does not replace, these professional standards.
- 5.2 Students should be informed of the relevant Fitness to Practice procedures which are available at Appendix D. The process will follow the initial preparatory procedures of the disciplinary procedures for misconduct including the interview with the Head of Department.
- 5.3 If the decision is that the Allegation of Major Offence is to be treated as a question of fitness to practice that shall also require consideration as a Major Offence, the Fitness to Practice Panel should not be convened before the Disciplinary Panel has resolved the Major Offence. If the student is excluded by a Disciplinary Panel, then the matter will not be considered by a Fitness to Practice Panel.

## **6. Arrested students**

Where a student has been arrested, disciplinary action against the student may be considered only when the police have concluded their process.

## Appendix A Glossary of terms

Throughout the Code of Student Behaviour, the following definitions shall apply:

### **Student**

Any person currently registered for a programme of study or unit(s) and who has registered as a student on that programme at the University, whether the mode of study is full time, part time, sandwich, or as a research student. Students at collaborative partners of the University of Portsmouth will be subject to these procedures for Academic Misconduct but will be subject to the local rules of the collaborative partner for General Misconduct.

### **Authorised Person**

Any person who has the responsibility for the preparation of an Allegation of Misconduct and for the pursuance of a case against a student. This includes:

- Heads of Departments/Schools/divisions
- Head of Undergraduate programmes
- Head of Postgraduate programmes
- Deans of Faculties
- Associate Deans of Faculties
- Hall Managers
- Heads of Professional Services
- the Mobility Officer
- the Chair of the Criminal Convictions Panel • the Community Tutor or any person nominated to act on the behalf of anyone on the above list.

The authorised person would normally be the Head of Department/School in which the student is registered except where the misconduct clearly falls under the authority of another Authorised Person (e.g. halls misconduct will be dealt with by Hall Managers).

### **Academic Registrar**

The Academic Registrar or any member of staff delegated by the Academic Registrar to act on her/his behalf.

### **Working day**

Monday to Fridays, not including Bank Holidays, nor the period that the University is closed over the Christmas period.

### **Suspension**

Involves either total or selective restriction on attendance at or access to the University, including placement arrangements. The exact details of any suspension will be communicated in writing.

### **Exclusion**

The cancellation of a student's registration.

## **Appendix B University of Portsmouth Inquiries Procedure Rules**

### **Introduction**

- i) These Procedure Rules apply to academic appeals and the disciplinary procedures relating to both major offences and fitness to practice panels.

### **Notification of inquiry**

- ii) The Academic Registrar shall give formal notice in writing of an inquiry to anyone required and entitled to appear at least ten working days in advance. The formal notice shall consist of these Procedure Rules and the date, time and place at which the inquiry will be convened.

### **Appearances**

- iii) Those entitled to appear and present evidence are identified in the Procedures under which the inquiry is held. The Chair shall have discretion to permit any other person to appear and present evidence where it is considered to be helpful to the proceedings. The reasons for exercising such discretion shall be stated and recorded.
- iv) Those entitled to appear and present evidence may be represented or supported by one other person. The Chair shall have discretion to permit anyone permitted to appear to be represented or supported. The reasons for doing so shall be stated and recorded.

### **Procedure at inquiry**

- v) Unless otherwise stated in these Rules, the Chair will determine the procedure at an inquiry.
- vi) At the opening of an inquiry the Chair shall identify:
  - the issue or issues to be determined;
  - those entitled to appear and give evidence;
  - anyone else to be permitted to appear and give evidence; and
  - the documentary evidence to be taken into consideration.
- vii) For disciplinary procedures relating to either major offences or fitness to practice panels, the Authorised Person shall begin the proceedings. The student shall have the right of final reply; anyone else entitled or permitted to appear and give evidence shall be heard in the order determined by the Chair.
- viii) For academic appeals and appeals against either disciplinary procedure relating to Major Offences or Fitness to Practice Panels, the student shall begin and have the right of final reply; anyone else entitled or permitted to appear and give evidence shall be heard in the order determined by the Chair.
- ix) Those entitled to appear at an inquiry shall have the right to present evidence and to question any other person giving evidence. Those permitted to appear by the Chair may present evidence but may only question any other person giving evidence exceptionally if permitted to do so by the Chair. The reasons for doing so shall be stated and recorded.
- x) The Chair shall have discretion to refuse to permit the giving or production of evidence and the questioning of anyone giving evidence when it is considered to be irrelevant and/or repetitious. In such cases, the reasons for doing so shall be stated and recorded.



- xi) The Chair shall have discretion to require that anyone appearing at an inquiry whose behaviour is considered disruptive be excluded temporarily or permanently from the proceedings. In such cases, the reasons for doing so shall be stated and recorded.
- xii) The Chair shall have discretion to proceed with an inquiry in the absence of any person entitled to appear at it. In such cases, the reasons for doing so shall be stated and recorded.
- xiii) The Chair shall have discretion to adjourn an inquiry. The date, time and place of the reopening of the proceedings shall be communicated in writing.
- xiv) The Chair shall have discretion to permit anyone to modify or withdraw evidence submitted in advance and/or to present new written evidence during the course of the proceedings, except where it is specifically precluded in the regulations under which the inquiry is held. In all cases in which such discretion is exercised, the Chair shall consider whether those entitled to appear should be allowed more time to consider the implications of any modified or new evidence by adjourning the proceedings. In such cases, the reasons for doing so shall be stated and recorded.

#### **Record of proceedings and documentation**

- xv) The Academic Registrar shall act as secretary to the inquiry and keep a formal record of the proceedings of the inquiry and of the findings and decisions.

## Appendix C Links to other University policies

There are many policies at the University of Portsmouth. While this Code of Student Behaviour covers the consequences of misconduct, there are many policies that are linked to this and they are listed below:

External Speaker Policy

<http://policies.docstore.port.ac.uk/policy-181.pdf>

University of Portsmouth Students' Union Code of Practice

[www.port.ac.uk/accesstoinformation/policies/academicregistry/filetodownload,38569,en.pdf](http://www.port.ac.uk/accesstoinformation/policies/academicregistry/filetodownload,38569,en.pdf)

University of Portsmouth Assessment Regulations

[www.port.ac.uk/departments/services/academicregistry/qualitymanagementdivision/assessmentandregulations/](http://www.port.ac.uk/departments/services/academicregistry/qualitymanagementdivision/assessmentandregulations/)

Data Protection Statement: Students

<http://policies.docstore.port.ac.uk/policy-105.pdf>

ICT Acceptable Use Policy

<http://policies.docstore.port.ac.uk/policy-051.pdf>

Library Regulations

[www.port.ac.uk/library/about/regulations/](http://www.port.ac.uk/library/about/regulations/)

Student Complaint Procedure

<http://policies.docstore.port.ac.uk/policy-047.pdf>

Withdrawal of Services

[www.port.ac.uk/departments/services/academicregistry/studentadministrationdivision/withdrawalofservices/](http://www.port.ac.uk/departments/services/academicregistry/studentadministrationdivision/withdrawalofservices/)

Policy on Withdrawal and Suspension of Studies

<http://policies.docstore.port.ac.uk/policy-190.pdf>

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## **Appendix D Fitness to Practice procedures**

### **1. Formal notice of disciplinary action following an Allegation of Misconduct**

- 1.1 The Academic Registrar shall give formal notice of impending disciplinary action relating to Fitness to Practice to each student named in an Allegation of Misconduct found valid. The formal notice shall consist of:
  - i) a copy of the Allegation of Major Offence;
  - ii) the date, time and venue of the inquiry;
  - iii) details of where help and advice may be sought;
  - iv) a copy of the documentary evidence that will be considered;
  - v) details of their right to representation or support at the panel.
- 1.2 The formal notice shall be deemed to have been received by the student if a copy of the document is sent by recorded delivery to the student's local and home address.

### **2. Fitness to Practice Panels**

- 2.1 After the decision that an Allegation of Major Offence is valid and to be treated as a Fitness to Practice issue, the Head of Department will appoint a Fitness to Practice Panel, who have no previous involvement with the matter, to determine the Allegation of Major Offence.
- 2.2 The Fitness to Practice Panel shall be convened in accordance with any expectations of the relevant professional body regulations but must consist of at least three members and contain an Independent Chair, who is an impartial person with no previous involvement with this matter, and a student nominated by the Student's Union. The Academic Registrar shall act as the secretary to the Fitness to Practise Panel and keep records of the proceedings.
- 2.3 The Academic Registrar shall supply all members of the Fitness to Practice Panel with copies of the formal notice issued to the student.
- 2.4 A Fitness to Practice Inquiry shall be held to allow the presentation and consideration of evidence. The Fitness to Practice Inquiry shall be governed by the Inquiry Procedure Rules of the University, as set out at Appendix B.
- 2.5 If the student is unable to attend they can submit a written statement of case to the Academic Registrar which will be considered at the Fitness to Practice Inquiry.
- 2.6 Having considered the evidence presented at the Fitness to Practice Inquiry, the Fitness to Practice Panel shall determine the allegation. If the allegation is proven, the Fitness to Practice Panel will then fix an appropriate penalty in line with the expectations of the relevant professional body.
- 2.7 As soon as possible after the determination of the allegation, the Academic Registrar shall issue the Decision Notice. The Decision Notice shall consist of the following:

- i) a summary of the major points made during the Fitness to Practice Inquiry;
- ii) a concise rationale of its findings;
- iii) a concise statement of the Fitness to Practice Panel's findings in relation to the Allegation of Misconduct;
- iv) in the case of any finding that a student is responsible for misconduct, the penalty to be applied and the arrangements for its application; and
- v) an explanation of the student's right of appeal.

2.8 The Decision Notice shall be copied to the student's Head of Department.

### **3. Appeals**

3.1 A student shall have the right of appeal against the findings of the Fitness to Practice Panel and/or against the penalty imposed. No other person may appeal.

3.2 An appeal is lodged by the submission of a signed and dated statement from the student to the Academic Registrar, which should be headed 'Statement of Appeal'.

3.3 A Statement of Appeal must be lodged within ten working days of the date of issue of the Decision Notice.

3.4 The Statement of Appeal must be based on one or more of the following grounds:

- i) a material procedural irregularity, which might have impacted significantly on the validity of the original hearing and the subsequent penalty;
- ii) new evidence that could not reasonably have been made available to the initial disciplinary hearing;
- iii) that the penalty imposed by the disciplinary hearing was too severe bearing in mind the circumstances of the case and the treatment of other students in similar positions.

### **4. Determination of appeals**

4.1 The lodging of a Statement of Appeal does not suspend the application of any penalty originally fixed by the Fitness to Practice Panel.

4.2 The appellant may withdraw the Statement of Appeal at any time before the issue of an Appeal Decision Notice. In such cases, the appeal shall be deemed to have failed.

4.3 As soon as possible after the receipt of a Statement of Appeal the Academic Registrar shall determine whether it is valid in accordance with section 3.

4.4 As soon as possible after the decision that an appeal is valid, the Head of Department shall appoint an Appeal Panel, who have had no previous involvement with the matter.

4.5 For appeals against a penalty imposed by a Fitness to Practice Panel, the Appeal Panel shall be convened in accordance with any expectations of the relevant professional body regulations but must consist of at least three members and contain an Independent

Chair, who is an impartial person with no previous involvement with this matter, and a student nominated by the Students Union. The Academic Registrar shall act as the Secretary to the Fitness to Practise Panel and keep records of the proceeding.

- 4.6 The Appeal Panel shall convene to consider the grounds of appeal. An Appeal Inquiry shall be governed by the Inquiry Procedure Rules of the University. The persons entitled to appear at the inquiry shall be the student lodging the Statement of Appeal and the person responsible for the Allegation of Major Offence.
- 4.7 Having considered the evidence, the Appeal Panel shall determine the appeal and can uphold, amend or rescind the decision of the original hearing. In amending any penalty, the Appeal Panel shall take advice from the Academic Registrar with particular reference to precedents and comparability. The penalty shall be constrained only by the tariffs of penalty as detailed by the Professional Body and not by the penalty fixed by the original Fitness to Practice Panel. Any penalty fixed by the Appeal Panel shall replace entirely any penalty fixed by the original panel.
- 4.8 As soon as possible after the determination of the appeal the Academic Registrar shall issue to the student an Appeal Decision Notice which will consist of:
  - i) a concise statement of the Appeal Panel's findings;
  - ii) a concise rationale of its findings;
  - iii) in the case of any finding that a student is responsible for misconduct, the penalty to be applied and the arrangements for its application; and
  - iv) an explanation of the student's rights of appeal.
- 4.9 The Appeal Decision Notice shall be copied to the Chair of the Fitness to Practice Panel, the Head of Department and any other parties agreed at the Appeal Panel. The decision shall be reported to the professional body, Academic Council and to the Board of Governors.
- 4.10 If the appeal is unsuccessful, the student will have completed the University's appeals procedures and will be issued with a Completion of Procedures letter which will enable them to take their appeal to the Office of the Independent Adjudicator for Higher Education.

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