

STUDENT CONDUCT POLICY

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Summary

What is this document about?

The Student Conduct Policy 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.

Who is this for?

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

How does the University check this is followed?

The Quality Assurance, Academic Standards and Partnerships team within the 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.

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

If you have questions about this document please contact Quality Assurance, Academic Standards and Partnerships, Department of Student and Academic Administration (DSAA) QASP@port.ac.uk

Accessibility Statement

The Student Conduct Policy is designed to be accessible to all students. If you have any special needs that mean you are unable to use the Policy in the way set out in this document, please contact us at QASP@port.ac.uk to discuss how the process can be adjusted to fit your needs, and to receive this Policy in alternative formats.

1 Introduction

- 1.1 The University's Student Conduct Policy upholds our commitment to engaging every student in a life-changing experience allowing them to fulfil their potential and make a positive contribution to society, and in particular our commitment to providing an inclusive and accessible learning environment in which every student feels actively welcomed, respected and valued.
- 1.2 This Policy applies to all students of the University, no matter the course, its location, level or mode of study. This Student Conduct Policy links with other relevant policies, with the emphasis on its role in preventing and addressing harm to the University community and its members. Some courses, for example health and medical courses have additional behavioural requirements that build on this Policy. Course teams will ensure all students are aware of these on enrolling on a course.
- 1.3 Our expectations of students' behaviour are set down in the University Student Charter [University of Portsmouth Student Charter](#) . Developed in a partnership of students, staff and the Students' Union, the Charter expresses the values which contribute to the supportive and inclusive learning community which is the foundation for all our students to fulfil their learning potential: Students are encouraged and empowered to play their part in welcoming others into an inclusive **community**, valuing and showing **respect** and compassion for themselves and each other, in order to form and benefit from the strong **support** networks which provide the foundation for a life-changing, whole-hearted commitment to their ongoing **education**, embracing challenges and making the most of every **opportunity** to develop, learn and fulfil their potential.
- 1.4 The values of the Student Charter reinforce the expectations set out in more detail in the following key University policies:
- The [Safeguarding Policy](#) outlines the University's commitment to providing a **safe and secure environment** for all who study at, work at and visit the University.
 - The [Dignity and Respect Policy](#) sets out the University's commitment to delivering a working and learning **environment of dignity and respect, free from harassment and bullying**, and adhering to the Equality Act 2010.
 - These ideals are reinforced through the staff and student *Wellbeing Charter* which commits the University to a **culture of active inclusion, addressing any barriers to belonging** so that every member of its community feels actively welcomed, respected and valued.

- The University’s distinctive whole-institution approach to wellbeing is outlined in the *Student Wellbeing & Mental Health Policy*, which underlines the role of connection and a sense of belonging as essential resources for both successful study and a flourishing life and encourages students to become partners with staff working together to build the inclusive learning community in which all students can learn and thrive.

1.5 This Policy outlines a proactive framework for ensuring a swift and effective response to any breaches of these expectations, with the emphasis on resolving conflict and restoring a supportive learning environment for all. The key principles within this approach are:

- **Safety:** immediate safety and safeguarding for any student who has experienced harm
- **Support:** prioritising compassionate and appropriate support for all affected students, including support to mitigate any impact on studies
- **Dignity:** ensuring the experience of harm is clearly recorded and acknowledged
- **Respect:** respecting the autonomy and informed choice of the harmed student in expressing their preferences for support and redress
- **Fairness:** ensuring any student accused of perpetrating harm is also heard and respected, and receives appropriate support (including confidential liaison and support where relevant)
- **Restorative conflict resolution:** facilitating practical measures and options for redress which support restorative conflict resolution, such as mutual non-contact agreements
- **Accountability:** holding to account those who are found to have caused harm, including requirements to demonstrate better understanding of key issues such as consent
- **Education and community-building:** ensuring that outcomes include community-building measures, such as education for prevention, as appropriate.

1.6 A further key principle is that a centralised approach is taken to recording all instances of bullying, harassment, discrimination or violence, and that support for students disclosing serious incidents is responded to and co-ordinated by staff with appropriate training and expertise. The mechanism for this is our [Report + Support](#) tool, which allows anonymous and third-party reporting of incidents as well as the option to provide contact details in order to receive confidential advice and support.

1.7 An important principle of The Student Conduct Policy is that it seeks to take a restorative approach wherever possible.

2 What is covered by this Policy

- 2.1 This Policy covers breaches of academic regulations and issues concerning unacceptable behaviour. Academic integrity¹ is a fundamental part of a student's studies at the University. Where a student falls short of the standards of academic integrity expected, they will be considered under this Policy. The expectations of students' behaviour are set out in the [University of Portsmouth Student Charter](#). Where a student falls short of the standards of behaviour expected, they will be considered under this Policy. It is noted that some digressions in what is considered acceptable, may be addressed without the intervention of the University.
- 2.2 Disciplinary action against a student may be initiated by any member of staff, or student of the University, or by anyone involved in the student's provision of work-based learning, training or placement opportunity, including patient/service users.
- 2.3 When an offer of a place at the University is accepted, from that point onwards, the Student Conduct Policy applies to that applicant. We will not undertake disciplinary action for behaviour that occurs before that date. Where applicants have relevant criminal convictions before this date, these will be dealt with through the admissions of applicants with a criminal record process.
- 2.4 Following a student leaving the University whether through confirmation of the award for a student, completion, withdrawal or exclusion, we will not undertake disciplinary action for any non-academic behaviour that occurs after that date.

¹ The University has signed up to the QAA Academic Integrity Charter for UK Higher Education. [QAA Academic Integrity Charter](#)

- 2.5 It is not expected that students would bring a legal representative as their supporter to any meetings, or equivalent, scheduled under this Policy, and should they do so, any legal representative will be reminded that they are only acting as a supporter. In these circumstances it may be deemed necessary for the University to have legal representation present to support the Authorised Person/Investigator/Panel. Students or others who report a potential breach in student behaviour should be made aware of this. If the reporting student or other feels a criminal matter has occurred they should be advised of the options available to them including; reporting the matter to the police, asking the university to investigate, or take no further action. Where a matter is disclosed to us, we will consider whether this information should be passed to the police, particularly if the safety of students, staff or general public is at risk. In such instances, staff may wish to seek advice from the Executive Director of Corporate Governance or the University Solicitor.
- 2.6 In exceptional circumstances, on the recommendation of the Vice-Chancellor or the relevant Board of Examiners, the Academic Council may deprive any person of any award granted by the University. Such a recommendation may be made, for example, if the person granted an award resulting from a taught course of study, a course of supervised research or a higher doctorate has been found to have been admitted to the course or granted the award under false pretences or on the basis of material non-disclosure.
- 2.7 We keep documents relating to cases raised under this Policy in line with our [Retention Schedule](#).
- 2.8 All deadlines within this Policy should be met by both students and the University whenever possible, but it may be possible to continue outside of the timelines given if there are acceptable reasons (explained by either the student or the University) for the delay. If a delay is agreed, a new deadline for the particular stage of the Policy will be communicated to all parties.

3 How the Policy is Set Out

- 3.1 Regardless of whether a case relates to Academic Misconduct or Unacceptable Behaviour, the general approach, or phases, to responding to them are the same. The phases are Early Intervention, Investigation and Escalation. These are set out in more detail here:

Phase 1 – Early Intervention

- 3.2 The early intervention phase provides an opportunity, where relevant, to address concerns raised promptly by putting in place support for both the student and person raising concern. It is possible during the early intervention phase that the matter can be concluded via an informal resolution. If an informal resolution is found this should be confirmed in writing to the student. The indicative timeframe to complete phase 1 is between 5 to 10 working days. A general note about indicative timeframes in this Policy, the referenced timeframe for each phase starts at the beginning of the relevant phase.
- 3.3 In certain circumstances it may be appropriate to put in place intervention measures whilst a case is being considered. Intervention measures do not seek to determine whether an alleged experience is true or not and are not punitive but are designed to support the continuation of studies for students at the University. Intervention measures can (and should) therefore be implemented whether or not the alleged misconduct may also be subject to police investigation or criminal proceedings.
- 3.4 In order to facilitate a swift and effective response when harm is reported, accused students are encouraged to consider voluntary participation in restorative intervention measures without requiring any admission of guilt.
- 3.5 We reserve the right to take intervention measures with immediate effect against any student who is alleged to have committed misconduct which may result in disciplinary action. This may be appropriate, in particular, where a student is subject to police investigation or criminal proceedings.
- 3.6 Intervention measures may be put in place to protect:
- the members of the University community in general; and/or
 - a particular member or members of the University community; and/or
 - the reputation of the University.
- 3.7 Intervention measures and/or outcomes may include:
- Mutual non-contact agreement
 - Re-arrangements of classes
 - Letter of acknowledgement and/or apology
 - Participation in educational intervention e.g. consent and/or antiracism training

- Participation in student-led conflict resolution ('Sort It Out' service) or specialist mediation, where appropriate, leading to a mediated meeting or bespoke restorative agreement

3.8 In addition to any of the measures outlined above, typically where there is serious concern for the wellbeing of others or the reputation of the University, intervention measures may include a recommendation from the Authorised Person to the Vice Chancellor for (but are not limited to):

- Removal from University Halls/emergency or permanent move from shared accommodation
- Suspension from some or all classes.
- Suspension from some or all buildings
- Suspension from the University.

Note, the DSAA **must** be informed if any form of suspension is requested to the Vice Chancellor.

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

- a) The members of the University community in general; and/or
- b) A particular member or members of the University community; and/or
- c) The reputation of the University

3.10 A student will only be suspended with immediate effect where the Vice-Chancellor is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision will be recorded and made available to the student. There will be a monthly review of suspended cases by the Academic Registrar to consider any new or changed circumstances and whether the Investigation Phase can be initiated. The suspended student may submit written representation to the Academic Registrar to support further consideration of the case. The DSAA will conduct a 12-month review of any suspended student who is suspended for this period of time to assess the case more fully, and to agree next steps.

Phase 2 – Investigation

- 3.11 If actions taken in Phase 1 do not facilitate meaningful change or parties cannot come to an agreed resolution, the matter will be formally investigated to establish the facts and determine the most appropriate next course of action. The indicative timeframe to complete phase 2 is between 15 to 20 working days.

Phase 3 – Escalation

- 3.12 Following the investigation, it may be considered appropriate to escalate the matter to a panel to hear the case in more detail. Conclusion of the Escalation Phase will result in the matter being closed, action required of the student, suspension or exclusion. The indicative timeframe to complete phase 3 is between 25 to 40 working days.
- 3.13 At any point during Phases 1 or 2, if it is felt that the matter would be better dealt with under a different policy or process, the student shall be informed that this is happening and informed of the reason behind the transfer of policy or process.
- 3.14 At any phase in the process, anyone who is invited to a meeting, a hearing, an interview or a panel will be invited to bring along a Supporter. Supporters are available through the University Students Union Advice Service.
- 3.15 All students affected by a case are encouraged to make maximum use of the University's support services, and staff should direct them to these services at the earliest opportunity. The process may be suspended for up to 5 working days whilst the student receives support and advice is sought on reasonable adjustments to enable the process to conclude appropriately. Where this is the case, the DSAA will inform the Investigative Officer of the temporary delay.
- 3.16 The following staff and groups are available to offer support:

Personal tutor, course leader or supervisor Every student has a personal tutor or, if they are a research student, a supervisor. This member of staff may be the most appropriate person for the student to contact for information and advice.

A student representative the student may prefer to talk to another student and get advice, if so they can speak to an Elected Officer at the Students' Union. They can

seek help by emailing hello@upsu.net or the student can approach their course representative for further information.

The Students' Union Advice Centre UPSU offers professional advice and support through the academic support team. The team can assist at any phase within the Policy procedure. A representative from the Students' Union can accompany a student to any interviews, panels and hearings.

The student can contact the Academic Caseworker at the Students' Union by emailing them on advice@upsu.net or telephoning them on 023 9284 3478. This service is available to all University students.

Global Student Advisers can provide immigration advice and support to international students studying at the university.

Head of School the Head has responsibility for all students and staff associated with the department. The Head of School will be able to advise a student on procedural matters, including who to approach in dealing with their case.

- 3.17 Meetings under this Policy may be conducted either in person or virtually, or in a hybrid mode. The mode of attendance will be communicated to all parties by the convener in advance of the meeting. All participants at a virtual meeting must appear on the screen at least at the beginning of the meeting to ensure the correct people are attending. Recordings may be made of virtual meetings by the host of the meeting, but these will only be retained until formal notes of the meeting have been agreed with all parties. No other recordings may be made of either a virtual or face to face meeting.

4 Breach of Academic Regulations

- 4.1 This section sets out what happens when there is a suspected breach of academic regulations. At the beginning of each Phase of the process an appropriate person(s) will be appointed to progress the case to the earliest resolution, this will either be an Authorised Person, Investigator or panel, see appendix A for definition of roles. To avoid unconscious bias in the process a person(s) will only be involved in one phase

of the process. A student can request a different person is assigned to these roles at the commencement of any Phase in the process.

4.2 Breach of Academic Regulations Definition is defined, as stated by the OIA (2018), as: “Any action by a student which gives or has the potential to give an unfair advantage in an examination or assessment, or might assist someone else to gain an unfair advantage, or any activity likely to undermine the integrity essential to scholarship and research.”

4.3 Examples of academic misconduct given by the OIA (2018) and recognised by this Policy include:

- Plagiarism - presenting someone else’s work or ideas as the student’s own;
- Self-plagiarism - submitting the same work that the student has already submitted for another assessment when this is not permitted;
- Taking a copy of another student’s work without their permission;
- Falsifying data, evidence or experimental results;
- Collusion - working with someone else on an assessment which is intended to be the student’s own work;
- Contract cheating - where someone completes work for a student who then submits it as their own (including use of essay mills or buying work online);
- Arranging for someone else to impersonate a student by sitting their examination;
- Cheating in examinations (or other formal assessment), including possession of unauthorised material or technology during an examination, and attempting to access unseen assessment materials in advance of an examination;
- Submitting fraudulent extenuating circumstances claims or falsifying evidence in support of extenuating circumstances claims (this may also be considered a non-academic disciplinary matter);
- Breaches of research and ethics policies - e.g. carrying out research without appropriate permission.

5 Academic Regulations - Phase 1 Intervention

5.1 If a member of staff, student or third party raises a concern regarding a breach of academic regulations these concerns should be passed to the Head of School, or deputy/nominee, in which the student is registered. The Head of School will then identify who will be the Authorised Person to take the case forward. For an

indicative list of roles within the University which can act as an Authorised Person see appendix A.

- 5.2 The Authorised Person shall review the concerns and write to the student to explain the suspected breach of academic regulations. The student will be provided with any evidence at this phase.
- 5.3 The Authorised Person will meet with the student, who will have the opportunity to respond to the concerns raised. The meeting will also seek to discuss possible interventions that can be put in place to mitigate or address the concerns raised and provide support to those involved.
- 5.4 If the matter is resolved to the satisfaction of both parties there is no further action required. The Authorised Person will communicate the outcome by email or letter to the student and the person who reported the matter. If the matter cannot be resolved at this stage, or if the matter is regarded to be of a serious nature, for example a level 2 or 3 offence, the Authorised Person should proceed to a Phase 2 Investigation.
- 5.5 We support and encourage a restorative approach to intervention measures. However, where early evidence and/or discussion with the student clearly indicates that a breach of academic conduct has occurred, and an escalation to Phase 2 would not be proportionate nor helpful to the student, formal sanctions at Phase 1 may be deemed appropriate. The following sanctions and/or actions in Table 1 may be applied for the **first offence**. It is important to consider mitigating factors when determining sanctions such as whether the student has shown remorse, admitted the offence quickly, the student was found in possession of unauthorised material but did not intend to gain an advantage, the student has compelling personal circumstances that affected their judgment etc:

Table 1

Types of Academic Misconduct considered at this phase (Level 1 Offences) (this is not an exhaustive list)	Types of sanctions/actions for level 1 first offence
<ul style="list-style-type: none"> • Plagiarism • Collusion • Cheating in an examination • Falsifying extenuating circumstances • Failure to provide an electronic copy when asked 	<ul style="list-style-type: none"> • Educational support for better academic practice • Warning issued to student - held on their record for 12 months • Mark for assessment reduced

<ul style="list-style-type: none"> • The late return of equipment loaned by a Faculty or Department which is required by other students to complete an assessment; 	<ul style="list-style-type: none"> • Student expected to undertake training to ensure that future occurrences do not arise
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5.6 If a student is suspected of multiple instances of plagiarism/collusion across multiple assessments at the same point in time which are the same type of misconduct then this should be considered collectively as a single offence.

5.7 Many of the types of sanctions highlighted in this Policy can be applied to taught students as well as to research students, however consideration of implications on research degree student reviews (Annual/Major) and final examination may also be applicable.

6 Academic Regulations - Phase 2 Investigation

6.1 Where a case has not, or cannot, be resolved under Phase 1 Early Intervention, this may be due to the seriousness of the case or repeat offence(s), an Investigator will be appointed by either the Head of School, Associate Dean (Students), Academic Registrar or their deputy to formally investigate further. The Investigator will be someone who has no previous involvement in the case.

6.2 The Investigator will seek to:

- i. Determine whether a breach of academic regulations has taken place
- ii. Whether it was the student who was responsible for this breach
- iii. Whether the investigation will consider Professional Statutory and Regulatory Body expectations associated with the Student's course

6.3 The Investigator will write to the student who has been reported to have breached the academic regulations inviting them to a meeting with the Investigator. This correspondence will confirm the following:

- i. The alleged breach and scope of the investigation
- ii. Details as to how the investigation will be undertaken
- iii. Any supporting evidence of the alleged breach

- iv. A copy of the Student Conduct Policy
 - v. Details of, and offer to make a referral to, additional support services available to the student
 - vi. Right to be accompanied at the meeting by a Supporter who could be a student/staff union representative or colleague.
- 6.4 Upon conclusion of the meeting with student the notes (not a full transcript) of the meeting will be shared with the student. Following the above meeting, the Investigator will write to any other persons who they have identified as being necessary to meet with for the purposes of gathering evidence.
- 6.5 All meeting arrangements should incorporate the following:
- i. Meetings should be confirmed in writing (for example via email) making it clear that the purpose is to gather information
 - ii. Initial meeting correspondence should provide an offer to make an appropriate referral to additional support services.
 - iii. Any person invited to a meeting is entitled to bring a supporter who could be a student/staff union representative, colleague, in the case of students a family member or friend.
 - iv. The investigator must provide a note taker for the meeting. Following the meeting the notes will be circulated to the student. The meeting notes do not have to be confirmed.
- 6.6 Should the student be unable to attend the meeting in person, the student should contact the Investigator before the meeting, who can then make alternative arrangements to consider the allegation such as by telephone (normally by conference call or virtually).
- 6.7 Should the student fail to attend the meeting without good reason, the Investigator may proceed in their absence.
- 6.8 The Investigator will consider the evidence and determine whether, on the balance of probability, the academic regulations have been breached by the student about whom the concerns were raised.
- 6.9 The Investigator will draft a report which will set out the scope and phases of the investigation, meetings that took place and evidence considered. The report will provide an assessment of the concerns raised and recommendations for next steps including support for those involved.

- 6.10 There are three possible conclusions noted in the report arising from Phase 2 Investigation. These are as follows:
- i. the matter is resolved and sanctions applied, agreed by both parties and the case will be closed;
 - ii. the student has breached the academic regulations, they shall decide whether it should be dealt with as a Level 1, Level 2 or Level 3 Academic Offence (see Appendix B). If considered a Level 3 Academic Offence the matter should be escalated to Phase 3 Escalation of this process;
 - iii. the student has not been considered to be in breach of the academic regulations and the matter will be closed.
- 6.11 The Investigator will communicate in writing the conclusions to the student, the person who reported the breach of academic regulations and if appropriate the Professional Statutory and Regulatory Body associated with the student’s course. This correspondence should include the Investigator’s report.

Table 2

Types of Academic Misconduct Typically considered under Phase 2 (Level 2 offences) (this is not an exhaustive list)	Types of level 2 sanctions typically applied
<ul style="list-style-type: none"> • Repeated level 1 offence • Purchase of an online assessment (first offence) 	<ul style="list-style-type: none"> • Warning issued to student - held on their record until completion of their current course • Mark for assessment/module reduced • Student required to undertake training to ensure that future occurrences do not arise

7 Academic Regulations - Phase 3 Escalation

- 7.1 If the Investigator believes that a Level 3 Academic Offence has been committed the case shall be escalated to Phase 3, and the Investigator will submit a signed and

dated Phase 3 Academic Report to disciplinarycases@port.ac.uk . The Phase 3 Escalation Academic Report must:

- i. set out clearly the name of the student whose academic conduct has been drawn into question, the nature and full details of the breach in academic regulations and all the supporting evidence to be presented;
- ii. explain the steps taken to confirm that evidence exists that the breach in academic regulations has taken place and that it could be the responsibility of the student;
- iii. explain why the breach in academic regulations is considered to justify the taking of Phase 3 disciplinary action in accordance with this Policy.

Note: The Academic Registrar may direct that a Phase 3 Academic Report Form be withdrawn at any time before the issue of a Decision Notice.

- 7.2 The DSAA shall consider the allegation and determine whether it is valid in accordance with 7.1 i, ii, iii above and, if valid, whether it is to be treated as a Phase 3 Academic Offence.
- 7.3 If the DSAA believes that the allegation should not be treated as a Level 3 Academic Offence, the allegation will be returned to the relevant Authorised Person at the relevant level with a recommendation of Level 1 or 2 Academic Offence support and/or sanctions.
- 7.4 If the DSAA believes that the allegation should be treated as a Phase 3 Academic Offence they shall give notice of the decision in writing to the student and Investigator within ten working days of its receipt. A copy of the notice and the allegation shall be sent to the student's Head of School if they are not the Authorised Person.
- 7.5 After the decision that a Level 3 Academic Offence is valid, the DSAA will appoint an Escalation Panel, who have no previous involvement with the matter. The Escalation Panel will have a quoracy of three members, and may consist of:
 - a member of Academic Council or its sub-committees or an Authorised Person as Chair;
 - a member of Academic Council or its sub-committees or an Authorised Person;
 - a senior academic or professional services staff;
 - a student nominated by the Students' Union Council;
 - any additional member(s) where required by the relevant Professional Statutory and Regulatory Body associated with the Students course of study;
 - a Secretary appointed by the DSAA who will keep records of the proceedings.

- 7.6 The DSAA shall give notice of an Escalation Panel meeting relating to behaviour of each student named in a Phase 3 Academic Report which has been found valid. This notice shall consist of:
- a copy of the Phase 3 Academic Report;
 - the date, time and venue of the meeting;
 - details of where help and advice may be sought;
 - a copy of any evidence that will be considered;
 - details of a student’s right to representation or support at the panel.
- 7.7 The DSAA shall supply all members of the Escalation Panel and the Investigator who submitted the Phase 3 Academic Report with copies of the notice issued to the student.
- 7.8 If the student is unable to attend (physically or virtually) they can submit a written statement of case to DSAA which will be considered at the Escalation Panel meeting.
- 7.9 The Escalation Panel will consider the evidence and form a conclusion based on the balance of probability. There are three possible outcomes for Phase 3, each are as follows:
- i. the matter is resolved to the satisfaction of all parties and the case will be closed;
 - ii. the student has been found to have committed an academic offence. The panel shall decide whether a sanction should be applied at level 1, level 2 or level 3 (see Appendix B – Academic Offence);
 - iii. the student has not been considered to be in breach and the matter will be closed.

Table 3

Types of Academic Misconduct Typically considered under Phase 3 (Level 3 offences) (this is not an exhaustive list)	Types of level 3 sanctions typically applied
<ul style="list-style-type: none"> • Repeated level 2 offence (including repeated level 1 offences) 	<ul style="list-style-type: none"> • Mark for the module reduced to 0 • Marks for the whole year reduced to 0 • Student is suspended from their studies for a period of time • Student is excluded from the University permanently

- 7.10 Following the meeting the Escalation Panel will communicate in writing to the student and the Authorised Person a Decision Notice copied to the student's Head of School. The notice shall consist of the following:
- i. a summary of the major points made during the meeting;
 - ii. a concise statement of the Escalation Panel's findings;
 - iii. in the case of any finding that a student's academic conduct is unacceptable, the actions required in line with a Phase 1, Phase 2 or Phase 3 Academic Offence and the arrangements for its application;
 - iv. appropriate support available for the Student and where appropriate the person who reported the breach of academic regulations;
 - v. an explanation of the student's right of appeal.
- 7.11 Where appropriate the Escalation Panel will communicate in writing to the Professional Statutory and Regulatory Body associated with the student's course the conclusion of the process and any actions expected of the student which affect the Professional Statutory and Regulatory Body. This correspondence will be reviewed by the University's Information Disclosure team prior to being sent to ensure GDPR compliance.

8 Unacceptable Behaviour

- 8.1 This next section sets out how to respond to an allegation of unacceptable behaviour. At the beginning of each Phase of the process an appropriate person(s) will be appointed to progress the case to the earliest resolution, this will either be an Authorised Person, Investigator or panel, see annex A for definition of roles. To avoid unconscious bias in the process a person(s) will only be involved in one phase of the process. A student can request a different person is appointed to these roles at the commencement of any Phase in the process.
- 8.2 Unacceptable behaviour that could be a criminal offence is normally best dealt with by the police. Where the alleged unacceptable criminal behaviour may breach the University's Student Charter it may be reasonable for the University to act whether or not they have been convicted of a criminal offence. This action may be undertaken in parallel to a criminal investigation. These circumstances will be considered by the Academic Registrar.
- 8.3 We know that some unacceptable behaviour cases can be very distressing for all students and staff affected by or involved with the case. It may be appropriate for any of the parties involved to receive specialist support.

9 Unacceptable Behaviour

Definition

9.1 Unacceptable behaviour is defined as behaviour that could be reasonably perceived to cause upset, distress or harm to another person or an organisation.

9.2 Examples of unacceptable behaviour given by the OIA (2018) and recognised by this Policy include:

- Antisocial behaviour;
- Inappropriate, abusive or threatening behaviour, including on social media;
- Compromising the safety of and/or wellbeing of staff, other students, or visitors;
- Sexual misconduct;
- Violence, harassment and hate crimes;
- Behaviour likely to bring the provider into disrepute, such as disruptive behaviour in the community;
- Internet access abuse, such as visiting inappropriate websites, uploading/downloading inappropriate content, propagation of computer viruses;
- Disruptive behaviour on the provider's premises, such as setting off fire alarms or obstructing access to buildings or rooms;
- Damage to the provider's property or abuse of its facilities;
- Causing a health or safety concern;
- Relying on forged, falsified or fraudulent documentation, and other forms of deception that are intended to gain an advantage, for example submitting fraudulent extenuating circumstances claims or falsifying evidence in support of extenuating circumstances claims (the last may also be considered an academic disciplinary matter);
- Other behaviour which may also constitute a criminal offence.

Please note the above is not an exhaustive list.

10 Serious and/or Complex Cases

- 10.1 A serious and/or complex case is defined as the most serious of cases, those which typically involve harassment or violence of a discriminatory nature such as hate incidents/crime or sexual harassment or violence.
- 10.2 Trained Serious Incident/Issue Liaison Officers (SILO) are available to assist students involved in serious or complex cases, whether they are making an allegation about another student or whether an allegation of misconduct has been made against them. A SILO will always be appointed for any student involved in reporting a serious case and for any student against whom an accusation is made.
- 10.3 A SILO will automatically be assigned to any students reporting a serious incident/issue via Report & Support, or when disclosing directly to the Student Wellbeing Service or UPSU Advice Centre. A student can request support from a SILO at any time.
- 10.4 For further guidance relating to harassment and sexual misconduct, refer to the Harassment and Sexual Misconduct: Guidance for Students and Staff Supporting Students².

11 Unacceptable Behaviour - Phase 1 Intervention

- 11.1 If a member of staff, student or third party raises a concern regarding the behaviour of a student these concerns should be passed to the Head of School, or deputy/nominee, in which the student is registered except where the misconduct clearly falls under the authority of another person (e.g. halls misconduct will be dealt with by Hall Managers). The Head of School will then identify who will be the Authorised Person to take the case forward. For an indicative list of roles within the University which can act as an Authorised Person see appendix A.
- 11.2 The Authorised Person shall review the concerns and write to the student to explain the suspected unacceptable behaviour. The student will be provided with any evidence at this phase.
- 11.3 The Authorised Person will meet with the student, who will have the opportunity to respond. The meeting will also seek to discuss possible interventions that can be put in place to mitigate or address the concerns raised and provide support to those

² This guidance was currently under development as this issue went to publication.

involved. In some circumstances it may be necessary for the University to restrict a student’s access to the campus or services while an investigation is undertaken. This action does not indicate the student is at fault; it is a precautionary measure while the matter is being reviewed.

11.4 If the matter is resolved to the satisfaction of all parties, there is no further action required. This will be communicated via email to the student and person who reported the unacceptable behaviour by the Authorised Person. If this is not the case then the Authorised Person should proceed to Phase 2 Investigation.

11.5 We support and encourage a restorative approach to intervention measures. However, where formal sanctions are deemed necessary, the sanctions in table 4 should be considered for the **first offence**. It is important to consider extenuating factors when determining penalties such as whether the student has shown remorse, admitted the offence quickly etc. Reasonable judgements should be applied when interpreting the type and seriousness of misconduct and the circumstances in which they occurred in regard to level 1 sanctions:

Table 4

Types of Behaviour Misconduct considered at this phase (Level 1 Offences) (this is not an exhaustive list)	Types of sanctions for level 1 first offence
<ul style="list-style-type: none"> • Minor damage to University premises (including Halls). • Inappropriate use of social media. • Behaviour which disrupts teaching • Disruptive Behaviour in accommodation (both University and within the local community) • Disorderly, threatening, or offensive behaviour or language; • Failure to respond to requests to moderate behaviour • Possession of illegal drugs 	<ul style="list-style-type: none"> • Warning issued to student - held on their record for 12 months • Student to issue an apology to the person who the behavioural offence relates • Student to make good any damage caused, which may include financial reimbursement

12 Unacceptable Behaviour - Phase 2 Investigation

12.1 Where a case is not concluded at Phase 1 Early Intervention, an Investigator will be appointed by either the Head of School, Associate Dean (Students) or Academic Registrar or nominee to formally investigate further. The Investigator will be someone who has no previous involvement in the case.

The Investigator will seek to:

- i. determine whether unacceptable behaviour has taken place;
- ii. whether it was the student(s) who was responsible for this behaviour;
- iii. whether there were any factors for consideration which resulted in the behaviour;
- iv. whether the investigation will consider Professional Statutory and Regulatory Body expectations associated with the Student's course.

12.2 The Investigator will meet with the complainant(s) (the party who makes the complaint). During this meeting the Investigator will confirm how the investigation will be undertaken, the scope of the investigation and discuss what the complainant believes a positive resolution would be. The complainant may wish to provide details of evidence and other persons involved (who may be interviewed).

12.3 The Investigator will write to the student(s) whose behaviour has been drawn into question inviting them to a meeting with the Investigator. This correspondence will confirm the following:

- i. the alleged breach and scope of the investigation;
- ii. details as to how the investigation will be undertaken;
- iii. any supporting evidence of the alleged breach;
- iv. a copy of the Student Conduct Policy;
- v. details of, and offer to make a referral to, additional support services available to the student;
- vi. right to be accompanied at the meeting by a Supporter who could be a student/staff union representative, colleague, in the case of students a family member or friend.

12.4 Upon conclusion of the meeting the notes (not a full transcript) of the meeting will be shared with the student. Following the above meeting the Investigator will write

to any other persons who they have identified as being necessary to meet with for the purposes of gathering evidence.

- 12.5 All meeting arrangements should incorporate the following:
- i. meetings should be confirmed in writing (for example via email) making it clear that the purpose is to gather information;
 - ii. initial meeting correspondence should provide an offer to make an appropriate referral to additional support services;
 - iii. any person invited to a meeting is entitled to bring a supporter who could be a student/staff union representative, colleague, in the case of students a family member or friend;
 - iv. the investigator must provide a note taker for the meeting. Following the meeting the notes will be circulated to the student. The meeting notes do not have to be confirmed.
- 12.6 Should the student be unable to attend the meeting in person, the student should contact the Investigator before the meeting, who can make alternative arrangements to consider the allegation such as by telephone (normally by conference call or virtually).
- 12.7 Should the student fail to attend the meeting without good reason, the Investigator may proceed in their absence.
- 12.8 The Investigator will consider the evidence and determine whether, on the balance of probability, the student's behaviour was unacceptable.
- 12.9 The Investigator will draft a report (using template) which will set out the scope and phases of the investigation, meetings that took place and evidence considered. The report will provide an assessment of the concerns raised and recommendations for next steps including support for those involved.
- 12.10 There are three possible conclusions noted in the report arising from Phase 2 Investigation. These are as follows:
- i. the matter is resolved to the satisfaction of all parties and the case will be closed;
 - ii. the student's behaviour has been considered as unacceptable. The Investigator shall decide whether it should be dealt with as a Phase 1, Phase 2 or Phase 3 Behavioural Offence (see Appendix C). If considered a Phase 3 Behavioural Offence the matter should be escalated to Phase 3 of this process;

- iii. the student has not been considered to be in breach and the matter will be closed.

12.11 The outcome will be communicated in writing to the student, the complainant and if appropriate the Professional Statutory and Regulatory Body associated with the student’s course by the Investigator. This correspondence should also identify appropriate support measures and actions put in place for both the complainant and student.

Table 5

Types of Behaviour Misconduct considered at this phase (Level 2 Offences) (this is not an exhaustive list)	Types of sanctions for level 2
<ul style="list-style-type: none"> • Bullying and/or harassment • Violent Behaviour • Significant damage to University premises (including Halls) • Repeated Phase 1 Behaviour • Major breach of other University Regulations 	<ul style="list-style-type: none"> • Warning issued to student - held on their record until completion of their current course • Student to issue an apology to the person who the behavioural offence relates • Student to make good any damage caused, which may include financial reimbursement • Student required to undertake training to ensure that future occurrences do not arise • Student to agree to a contract of acceptable behaviour, a breach of which can result in automatic referral as a Phase 3 Behavioural offence • Student is excluded from accessing specific services for a limited period of time

13 Unacceptable Behaviour - Phase 3 Escalation

- 13.1 If the Investigator believes that a level 3 Behavioural Offence has been committed they need to submit a signed and dated Phase 3 Behavioural Report to the DSAA (disciplinarycases@port.ac.uk). The Phase 3 Behavioural Report must:
- i. set out clearly the name of the student whose behaviour has been drawn into question, the nature and full details of the behaviour and all the supporting evidence to be presented;
 - ii. explain the steps taken to confirm that evidence exists that the behaviour has taken place and that it could be the responsibility of the student;
 - iii. explain why the behaviour is considered to justify the taking of Phase 3 disciplinary action in accordance with this Policy.

Note: The Academic Registrar may direct that a Phase 3 Behavioural Report Form be withdrawn at any time before the issue of a Decision Notice.

- 13.2 The DSAA will consider the allegation and determine whether it is valid in accordance with 13.1 i, ii and iii above and, if valid, whether it is to be treated as a Level 3 Behavioural Offence.
- 13.3 If the DSAA believes that the allegation should not be treated as a Level 3 Behavioural Offence, the allegation will be returned to the relevant Authorised Person at the relevant level with a recommendation of Level 1 or 2 Behavioural Offence support and/or sanctions.
- 13.4 If the DSAA believes that the allegation should be treated as a Level 3 Behavioural Offence they will give notice of the decision in writing to the student and Investigator within ten working days of its receipt. A copy of the notice and the allegation shall be sent to the student's Head of School if they are not the Investigator.
- 13.5 After the decision that a Phase 3 Behavioural Report is valid and to be treated as such, DSAA will appoint an Escalation Panel. The Escalation Panel will have no previous involvement with the matter. The Escalation Panel will have a quorum of three members and may consist of:
- a member of Academic Council or its sub-committees or an Authorised Person as Chair;
 - a member of Academic Council or its sub-committees or an Authorised Person;
 - a senior academic or professional services staff;
 - a student nominated by the Students' Union Council;
 - any additional member(s) where required by the relevant Professional Statutory and Regulatory Body associated with the Students course of study;

- a Secretary appointed by the DSAA who will keep records of the proceedings.
- 13.6 The DSAA will give notice of an Escalation Panel meeting relating to behaviour of each student named in a Phase 3 Behavioural Report which has been found valid. This notice shall consist of:
- a copy of the Phase 3 Behavioural Report;
 - the date, time and venue of the meeting;
 - details of where help and advice may be sought;
 - a copy of any evidence that will be considered;
 - details of a student's right to representation or support at the panel.
- 13.7 The DSAA will supply all members of the Escalation Panel and the Investigator who submitted the Phase 3 Behavioural Report with copies of the notice issued to the student.
- 13.8 If the student is unable to attend (physically or virtually) they can submit a written statement of case to DSAA which will be considered at the Escalation Panel.
- 13.9 The Escalation Panel will consider the evidence and form a conclusion based on the balance of probability. There are three possible outcomes for Phase 3 Escalation, each are as follows:
- i. The matter is resolved to the satisfaction of both parties and the case will be closed.
 - ii. The student's behaviour has been found to be unacceptable. The panel shall decide whether a sanction should be applied at level 1, level 2 or level 3 (appendix B – Behavioural Offence).
 - iii. The student has not been considered to be in breach and the matter will be closed.
- 13.10 Following the meeting the Escalation Panel will communicate in writing to the student and the Investigator a Decision Notice copied to the student's Head of School. The notice shall consist of the following:
- i. a summary of the major points made during the meeting;
 - ii. a concise statement of the Escalation Panel's findings;
 - iii. in the case of any finding that a student's behaviour is unacceptable, the actions required in line with a Phase 1, Phase 2 or Phase 3 Behavioural Offence and the arrangements for its application;
 - iv. appropriate support available for the student;
 - v. an explanation of the student's right of appeal.

13.11 The Escalation Panel will communicate in writing to the complainant, and where appropriate, the Professional Statutory and Regulatory Body associated with the student’s course following the conclusion of the process and any actions expected of the student which affect the complainant and the Professional Statutory and Regulatory Body. This correspondence will be reviewed by the University’s Information Disclosure team prior to being sent to ensure GDPR compliance.

Table 6

Types of Behaviour Misconduct considered at this phase (Level 3 Offences) (this is not an exhaustive list)	Types of sanctions for level 3
<ul style="list-style-type: none"> • Fraudulent application to the University • Repeated Phase 2 behaviour • Selling drugs to students • Sexual misconduct • Violence and hate crimes • Behaviour which may also constitute a criminal offence 	<ul style="list-style-type: none"> • Student is suspended from their studies • Student is excluded from accessing specific services/premises of the University • Student is excluded from the University permanently

14 Appeals Process

14.1 Students have a right of appeal at each phase of this Policy. We operate a standard appeal process which applies to all University academic regulations, this can be found at [Appeals Procedure](#).

Appendix A: Glossary of Terms

Throughout the Student Conduct Policy, the following definitions shall apply:

Academic Registrar

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

Authorised Person/Investigator

The Authorised Person/Investigator is any person who has the responsibility for the preparation, review and/or investigation of an allegation raised against a student. This role can be undertaken by academic and professional services staff, grade 8 and above, and more typically will be referred to:

- Heads and Deputy/Associate Heads of Departments/Schools/Divisions
- Head of Undergraduate programmes
- Head of Postgraduate programmes
- Faculty and Departmental Research Degree Coordinators
- Deans and Deputy Deans of Faculties
- All Associate Deans of Faculties
- Hall Managers
- Heads and Deputy Heads of Professional Services
- the Mobility Officer
- the Chair of the Criminal Convictions Panel
- the Community Tutor

The above list is not exhaustive of possible grade 8 and above roles in the University which can act as an Authorised Person/Investigator, and other staff may undertake this role where staff availability becomes an issue. However, the expectation is that for Academic Misconduct cases the Authorised Person/Investigator will be an academic member of staff.

The Authorised Person would normally be the Head of 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).

Exclusion

The cancellation of a student's registration.

Student

Any person currently registered for a programme of study or module(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 will be subject to these procedures for Academic Misconduct but will be subject to the local rules of the collaborative partner for General Misconduct.

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.

Vice-Chancellor

The Vice-Chancellor or any member of staff delegated by the Vice-Chancellor 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.

Appendix B: Taxonomy of offences and sanctions

In fixing any sanctions precedents and comparability should be considered. The decision should be made in relation to the evidence seen and heard on the balance of probabilities. Where the offence is such that the student may be excluded, temporarily or permanently, any Escalation Panel needs to be convinced beyond reasonable doubt that the allegation is proven.

Academic Offences

All offences and sanctions are provided as illustrations of what is typically considered under each phase. This is not meant to be an exhaustive list and must be considered in the situational context.

Level 1 Offences	Sanctions
<p>The first offence of any of the following:</p> <ul style="list-style-type: none"> • Plagiarism • Collusion • Cheating in an examination • Falsifying extenuating circumstances • Failure to provide an electronic copy when asked • The late return of equipment loaned by a Faculty or Department which is required by other students to complete an assessment 	<ul style="list-style-type: none"> • Warning issued to student - held on their record for 12 months • Mark for assessment reduced • Student requested to undertake training to ensure that future occurrences do not arise
Level 2 Offences	Sanctions
<ul style="list-style-type: none"> • Repeated Level 1 Offence • Purchase of an online assessment (first offence) 	<ul style="list-style-type: none"> • Warning issued to student - held on their record until completion of their current course • Mark for module is reduced • Student required to undertake training to ensure that future occurrences do not arise

Level 3 Offences	Sanctions
<ul style="list-style-type: none"> • Repeated level 2 offence (including multiple repeated level 1 offences) 	<ul style="list-style-type: none"> • Student is suspended from their studies • Marks for the whole year reduced to 0 • Student is excluded from the University permanently

Behavioural Offences

As above, all offences and sanctions are provided as illustrations of what may typically be considered under each phase and level. This is not meant to be an exhaustive list and must be considered in the situational context.

Level 1 Offences	Sanctions
<ul style="list-style-type: none"> • Minor damage to University premises (including Halls). • Inappropriate use of social media. • Behaviour which disrupts teaching • Disruptive Behaviour in accommodation (both University and within the local community) • Disorderly, threatening, or offensive behaviour or language; • Failure to respond to requests to moderate behaviour • Possession of illegal drugs 	<ul style="list-style-type: none"> • Warning issued to student - held on their record for 12 months • Student to issue an apology to the person who the behavioural offence relates • Student to make good any damage caused, which may include financial reimbursement
Level 2 Offences	Sanctions
<ul style="list-style-type: none"> • Bullying and/or harassment • Violent Behaviour • Significant damage to University premises (including Halls) • Repeated level 1 Behaviour • Major breach of other University Regulations 	<ul style="list-style-type: none"> • Warning issued to student - held on their record until completion of their current course • Student to issue an apology to the person who the behavioural offence relates • Student to make good any damage caused, which may include financial reimbursement • Student required to undertake training to ensure that future occurrences do not arise

	<ul style="list-style-type: none"> • Student to agree to a contract of acceptable behaviour a breach of which can result in automatic referral as a Phase 3 behavioural offence • Student is excluded from accessing specific services for a limited period of time
Level 3 Offences	Sanctions
<ul style="list-style-type: none"> • Fraudulent application to the University • Repeated level 2 behaviour • Selling illegal drugs to students • Sexual misconduct • Violence and hate crimes • Behaviour which may also constitute a criminal offence 	<ul style="list-style-type: none"> • Student is suspended from their studies • Student is excluded from accessing specific services/premises of the University • Student is excluded from the University permanently

Appendix C: Students under arrest for a criminal offence procedure

1. Introduction

- 1.1 This procedure provides guidelines on how the University will respond when a student is arrested for a criminal offence. As the nature of criminal offence can vary the University's response will too vary so to be proportionate. This procedure must be read in conjunction with the Student Conduct Policy section 9 to 13, Unacceptable Behaviour.
- 1.2 For most University courses there is no requirement for a student to declare to the University that they have been arrested. For courses that come under a Professional Regulatory or Statutory Body (PSRB) there may be a requirement to declare this due to safeguarding and fitness to practise requirements. If that is the case students will have been informed of this requirement by their course team.

2. Notification

- 2.1 In the event of the police informing the University of the arrest of a student, the following people must be informed immediately:
- The Vice-Chancellor, or in their absence, the member of the University Executive Board (UEB) team available on the first call duty rota.
 - The Academic Registrar, or in their absence, the Deputy Director of DSAA

3. Actions

- 3.1 Depending on the nature of the allegation, the Academic Registrar, or a suitable deputy, will undertake a risk assessment first to consider the preliminary intervention measure necessary to safeguard all concerned. This risk assessment may include the student's mental health state, whether they are able to return to safe accommodation, parents or others to lend them support, etc. The Academic Registrar may refer this to the safeguarding panel. As part of this risk assessment, consideration as to whether other precautionary measures are appropriate in addition or as an alternative to that

proposed. The Academic Registrar (or deputy) will then commence appropriate proceedings identifying relevant person(s) who will monitor progress of the risk assessments implementation.

- 3.2 If the student is held in custody and is not released on bail, the student will be referred to the Vice Chancellor for consideration of immediate suspension from the University.
- 3.3 A suspended student will be informed, at the time of suspension, of the means of support available to them, including Chaplaincy, Student Wellbeing Service or other relevant support services and if appropriate, community support managers and the University of Portsmouth Students' Union (UPSU) advice service. If the student is an international student then consideration must be given in terms of additional support that may be necessary from UoP Global, e.g. language support / translation, consular support, etc.

4 Communication

- 4.1 The Academic Registrar, or member of UEB, will also consider:
 - Whether Information Services (IS) be requested to scan files viewed by the student under arrest and, if thought appropriate, make further reference to the police. The Chief Information Officer will then be informed of the arrest and the nature of the alleged offence.
 - Whether other personnel within the University should be informed of the arrest, e.g. chaplaincy, student support services, UPSU advice service.
 - With due regard to GDPR, they will consider and determine if it is necessary to inform a wider group of staff of the facts of the matter in order to prevent misinformation and to manage the message that the University's Executive Board is seeking to communicate. This would ensure that plans can be made to manage any impact on the wider University community.
- 4.2 If an offence was to attract media attention or be disseminated on social media, the Vice-Chancellor (or appropriate member of UEB in their absence) will consider and determine if it is necessary to issue any form of public statement or take other action, e.g. to limit the spread of information.
- 4.3 If the student has been suspended under the Student Conduct Policy, the Head of School will be informed of the arrest, as well as the nature of the alleged offence.
- 4.4 If the student has not been suspended, the Head of School will be informed of the arrest only under very exceptional circumstances or if there are PSRB implications.

These may include, for instance, a concern for the welfare of the arrested student, or for the welfare of other students or staff members. Under these circumstances, the Student Wellbeing Service should be informed.

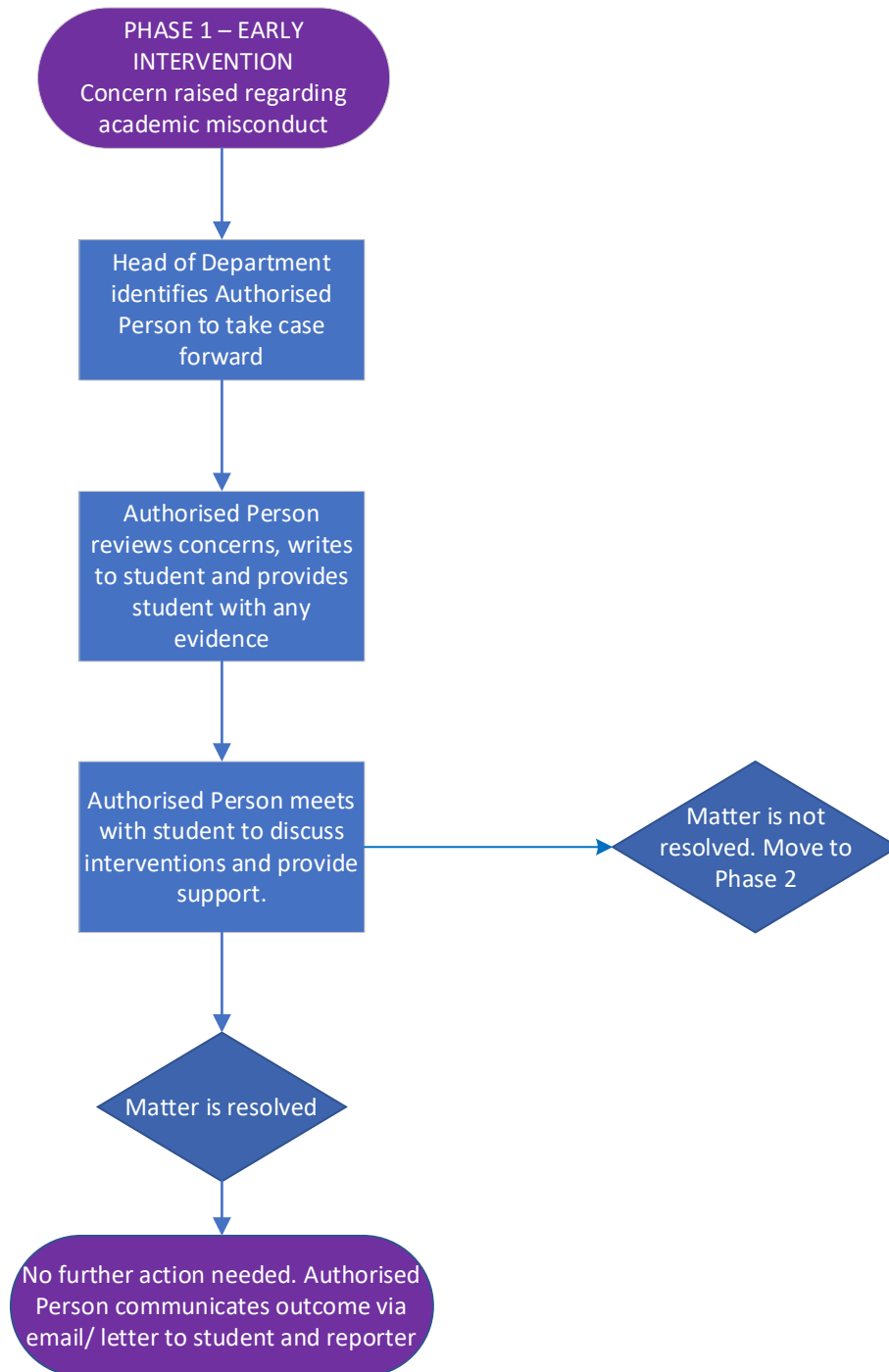
5 Review and Appeal

- 5.1 There will be a monthly review of suspended cases by the Academic Registrar to consider any new or changed circumstances. The suspended student may submit written representation to the Academic Registrar to support further consideration of the case.

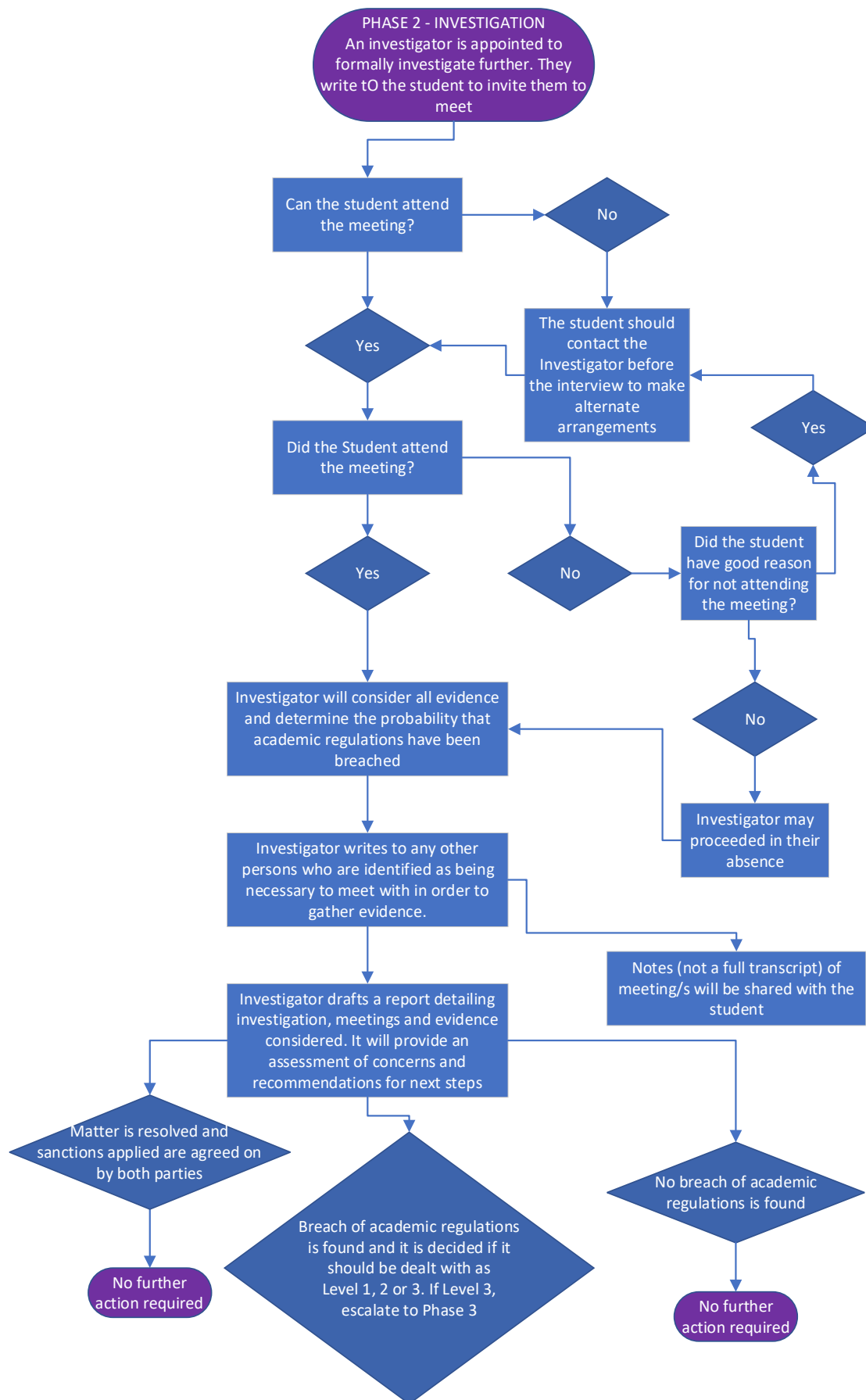
- 5.2 Students have a right of appeal at each phase of this Policy. We operate a standard appeal process which applies to all University academic regulations, this can be found [Appeals Procedure](#).

Appendix D: Academic Misconduct Flowchart

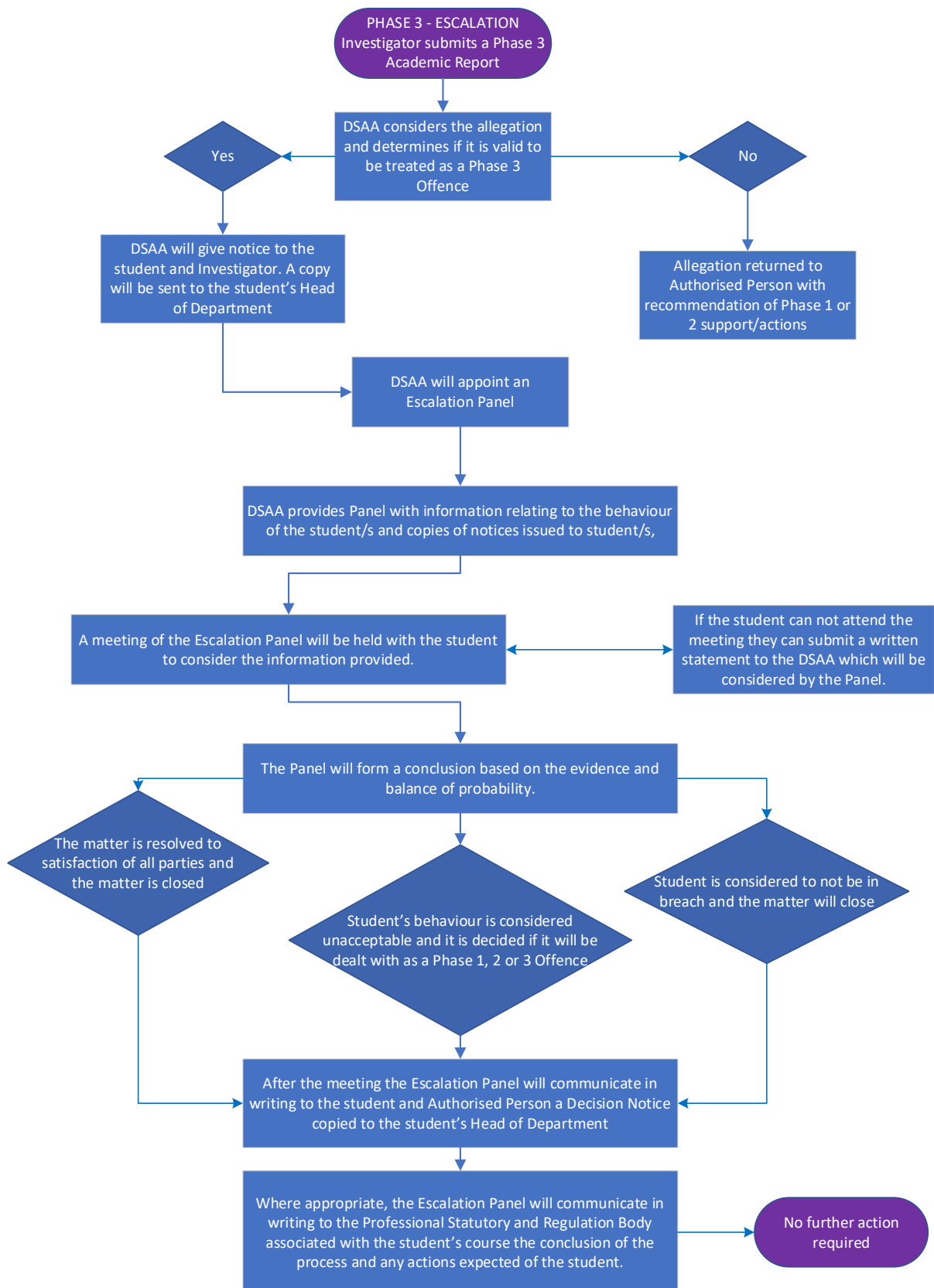
Academic Misconduct Phase 1 - Intervention



Academic Misconduct Phase 2 – Investigation

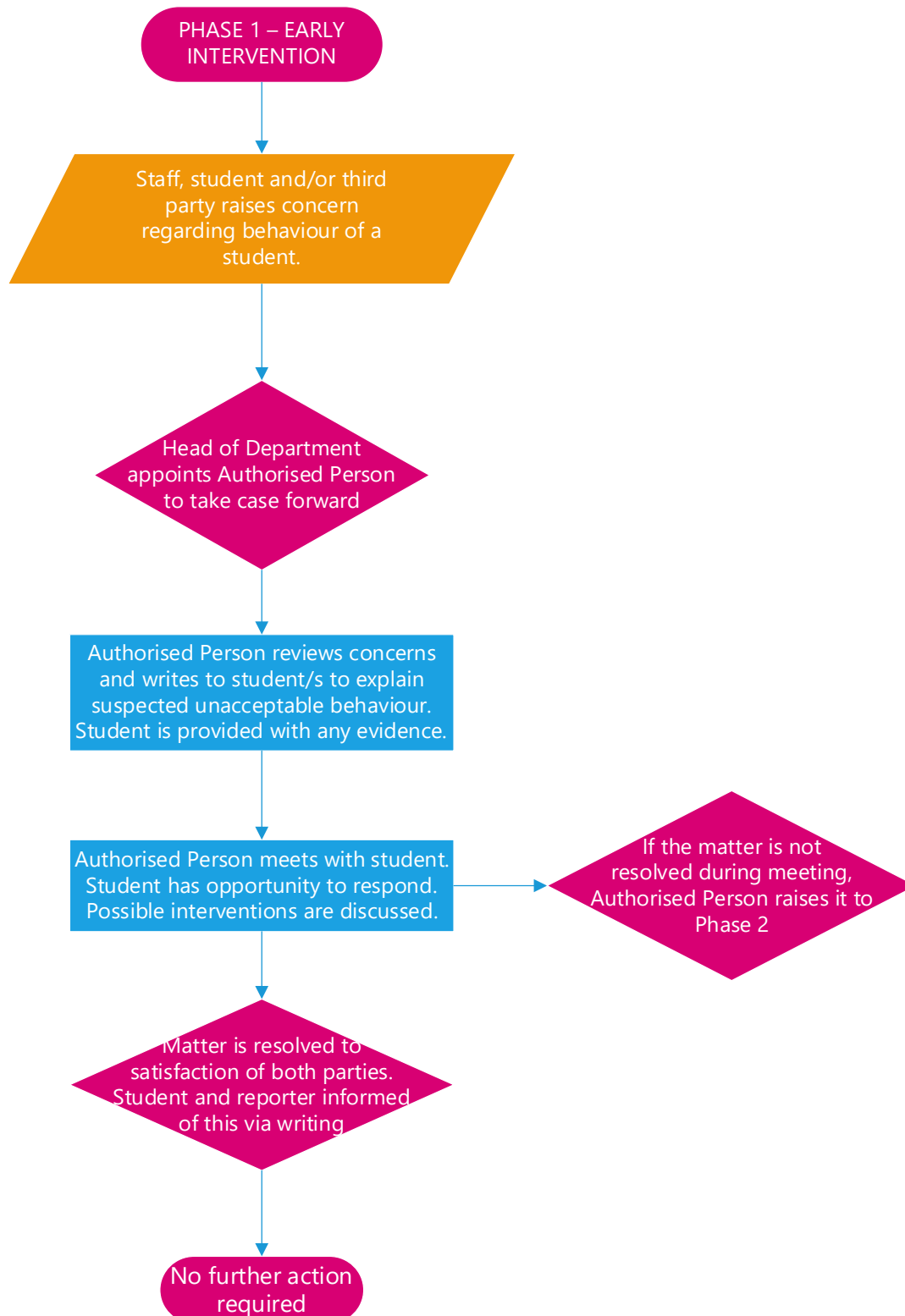


Academic Misconduct Phase 3 – Escalation

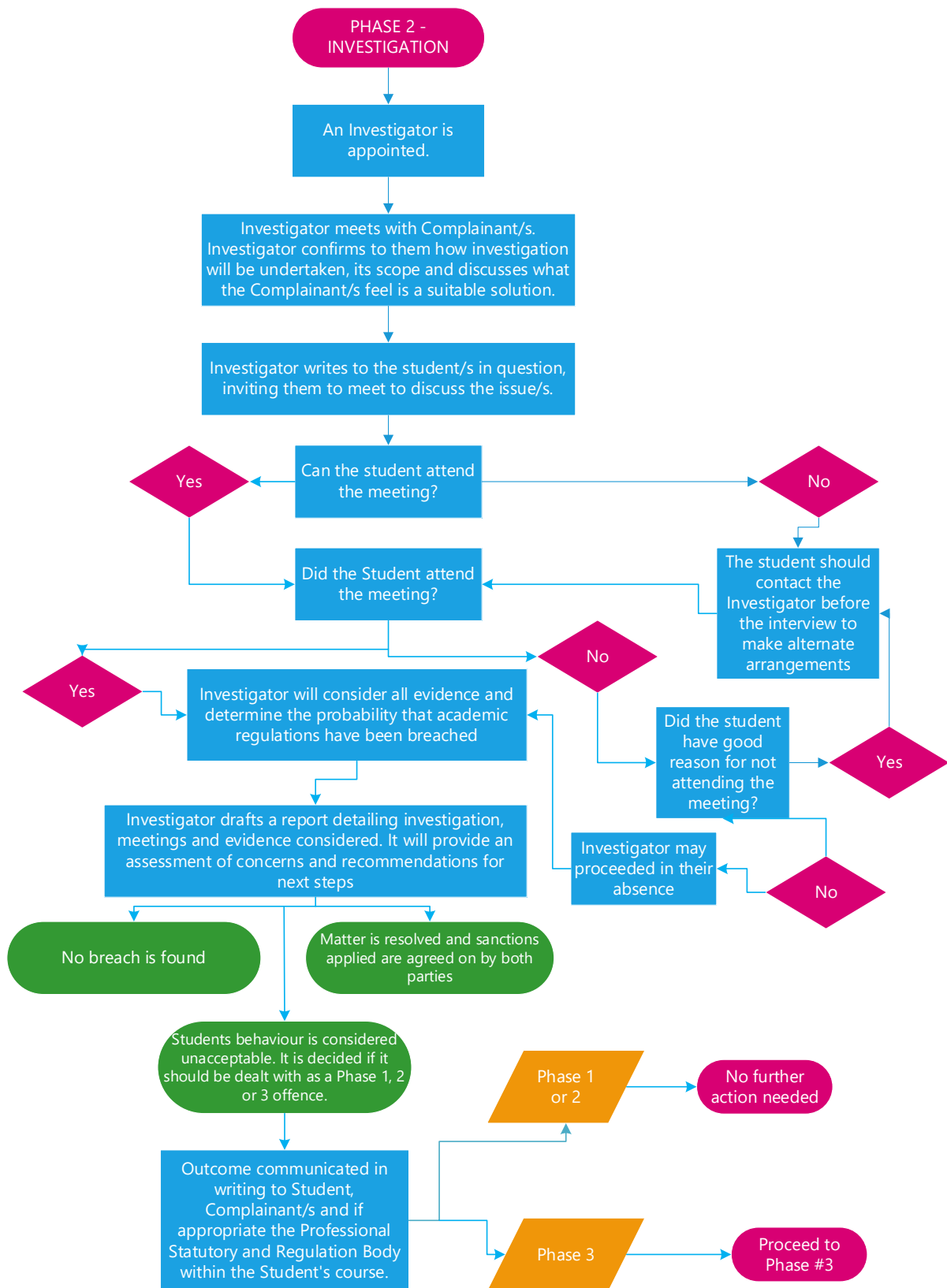


Appendix E: Behavioural Misconduct Flowchart

Behavioural Misconduct Phase 1 - Intervention



Behavioural Misconduct Phase 2 – Investigation



Behavioural Misconduct Phase 3 – Escalation

