UNIVERSITY OF PORTSMOUTH

Academic Regulation

STUDENT CONDUCT POLICY

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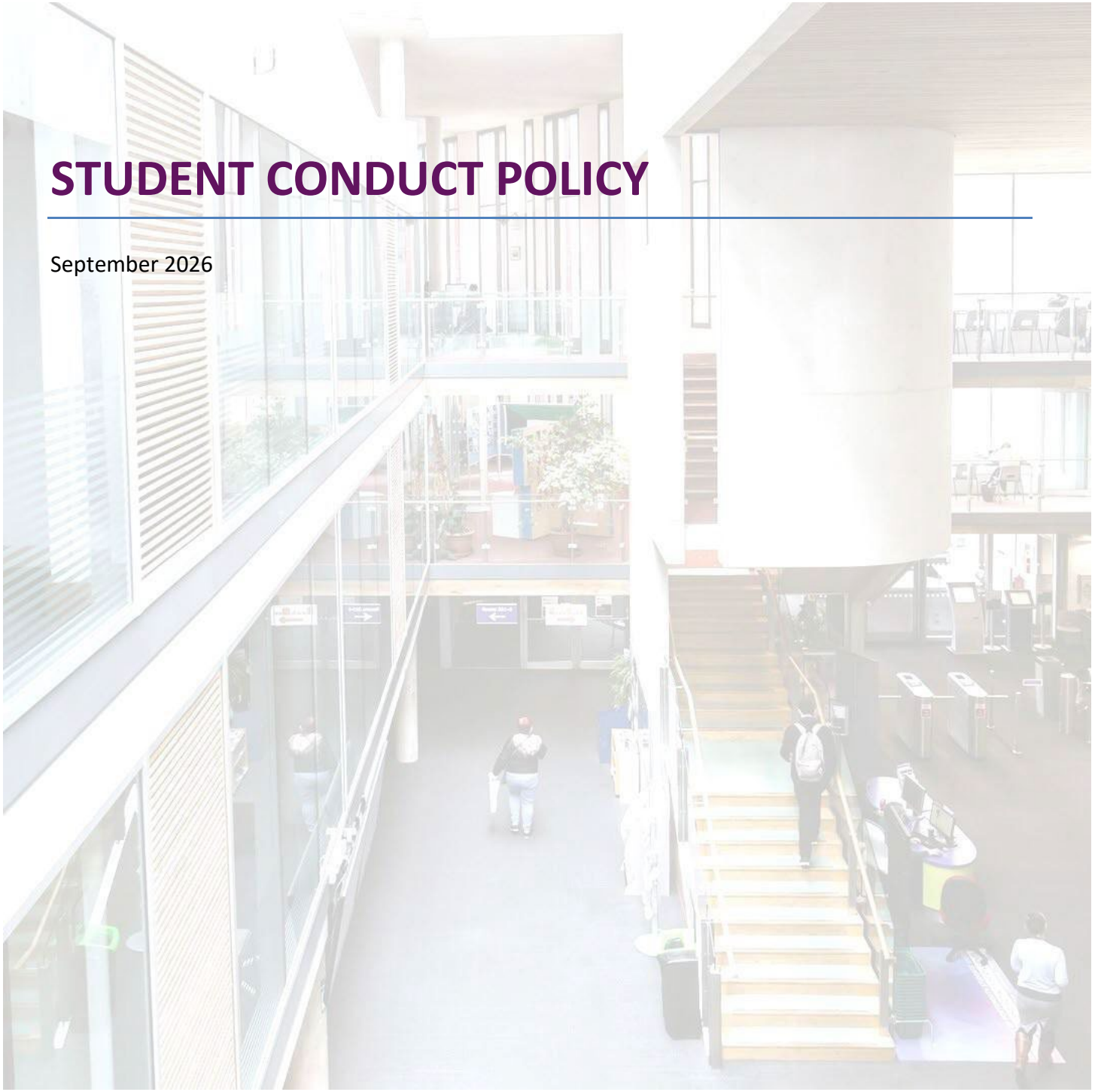

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Summary

What is this document about?

The Student Conduct Policy outlines acceptable behaviour of students at 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 all students and University staff.

How does the University check this is followed?

Academic Registry is responsible for ensuring that the Policy is followed. A record of all formal action taken by staff against students is kept by Academic Registry.

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

If you have questions about this document please contact the Student Casework team, studentcasework@port.ac.uk

Accessibility Statement

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

1. Introduction

1.1. Key Principles

1.1.1 The University is committed to providing an inclusive environment where every student feels welcomed, respected and valued. The Student Conduct Policy upholds this commitment. Our Student Charter outlines these expectations through five core values: community, respect, support, education, and opportunity.

1.1.2 This Policy works alongside other 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*;
- The Sexual Misconduct Policy outlines the University of Portsmouth's policy on sexual misconduct, including definitions, reporting procedures, support services, and disciplinary actions;
- The Fitness to Study Policy provides a transparent, robust and equitable approach where there are serious and significant concerns for a student and their ability to engage in university-related activities, such as undertaking academic study, managing the demands of university life, and adhering to the Student Charter and relevant University policies;
- The Fitness to Practise Policy and Procedures applies to the range of regulated programmes offered by the University that lead to successful students being eligible to seek registration with the relevant professional, statutory and regulatory body (PSRB).

1.1.3 The key principles of the University's approach to breaches of the Student Conduct Policy are:

- **Safety**: exploring immediate safety measures for any student who has experienced or is at risk of harm.
- **Support**: prioritising compassionate and appropriate support for all affected students, including support to mitigate any impact on studies.

- **Dignity**: clear acknowledgment and recording of harm.
- **Respect**: respecting the autonomy and informed choice of the harmed student in expressing their preferences for support and redress.
- **Fairness**: ensuring reported students are also heard, respected and supported.
- **Restorative conflict resolution:** facilitating practical and reflective measures for resolution and redress.
- **Accountability**: holding those causing harm to account.
- **Education**: ensuring that outcomes include community-building measures, such as education with the aim of preventing repeat complaints, as appropriate.
- **Proportionate**: Decisions and outcomes under this Policy will be reasonable and proportionate to the individual circumstances of the case.

1.1.4 This policy applies the University's Code of Practice on Freedom of Speech and Expression and supports the principles of academic freedom as defined in the Code of Practice. The Code sets out the University's approach to freedom of speech and academic freedom, its value to the University, and how the University promotes and secures those rights for members of its community. The University upholds both the principles of academic freedom and inclusion. While the University encourages respectful and informed approaches to diverse topics, academic staff retain the right to present evidence-based research, theories, and scholarly viewpoints on all subjects, including those related to protected characteristics under the *Equality Act 2010* (Protected academic expression). Course content should aim to represent diverse perspectives while preserving the academic freedom to explore challenging or contested topics through rigorous scholarly discourse. Where potential tensions may arise between creating inclusive environments and protecting freedom of expression, the University will seek to enable both by focusing on the manner of expression rather than restricting legitimate content. The University is committed to facilitating difficult conversations while ensuring respect for all community members.

1.1.5 Where a report proceeds under this Policy, the University will investigate the matter using a consistent process. Under the University's Student Conduct Policy, the standard of proof is the "balance of probabilities." This means that following an investigation into misconduct, the University can decide whether it believes that something is more likely to have happened than not, based on the evidence available.

1.1.6 The outcomes of investigations and Panels under this Policy are generally final; however, the University will, on occasion, reopen an investigation if the outcome of the first process has been called into question as a result of:

i. New evidence that could not have been obtained sooner.

ii. Outstanding obligations relating to e.g. professional and regulatory bodies' requirements.

1.1.7 The Student Casework team in Academic Registry are responsible for this Policy and its operations, including providing additional supporting information for students, which is available on the Student Casework team's MyPort pages.

1.2. Scope

1.2.1 This Policy applies to:

- All registered students, no matter the course, its campus location, level or mode of study.
- Applicants who have accepted an offer to study at the University but not yet registered.
- Students both on and off campus, and whilst participating in all University-related activities inclusive of Team UoP and Students' Union activities.

1.2.2 The Policy takes effect when an applicant accepts an offer and continues until the student completes their studies or withdraws from the University. Where applicants have relevant criminal convictions and/or charges before this date, these will be considered through the admissions of applicants with a criminal record process.

1.2.3 Where a university award is delivered by a collaborative educational partner, the partner is expected to operate an appropriate and equivalent policy and procedures. The specific arrangements, including the division of responsibilities between the University and the partner and the identification of the final stage of each process, are agreed through the partner and course approval process and set out in the relevant partner operational handbook.

1.3. Exclusions

1.3.1 This Policy does not cover:

- Behaviour occurring after a student has left the University.
- Academic misconduct (covered by the Academic Misconduct Policy).
- Student complaints not related to other students but to the actions of the University (addressed through the Student Complaints Procedure).
- Misconduct relating to paid employment undertaken by students at the University (addressed through the Staff Disciplinary Policy).

1.3.2 The contractual obligations of students living in halls of residence are set out in the Halls of Residence Handbook. Initially, all matters are dealt with by a Breach of Hall Regulations interview with the Head of Residential Services and/or Residence Life Manager or nominated representative(s). Misconduct in

halls of residence will be escalated to this Policy if the matter is sufficiently serious or repeated as to be a breach of this Policy.

1.4. Misconduct that may also be a criminal offence

1.4.1. Unacceptable behaviour that could be a criminal offence is usually best dealt with by the police. Where the alleged unacceptable criminal behaviour may breach this Policy, it may be reasonable for the University to act whether or not the student has been convicted of a criminal offence. This action may be undertaken in parallel to a criminal investigation.

1.4.2. See Appendix B for information on procedures undertaken when the University is notified of an arrested student.

1.4.3. See Section 4 for information on interim measures during criminal investigations.

1.4.4. When a matter is disclosed to the University, 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 Director of Legal & Compliance Services.

1.4.5. When action is taken for misconduct following conviction, the conviction will be taken as evidence that the misconduct has occurred and will be open to challenge only to the extent that the student disputes that they were the person convicted.

1.4.6. The registration of a student who is remanded in custody or subject to a custodial sentence for a period of one year or more will be terminated.

1.5. Rights of Students

1.5.1. Both reporting and reported students will receive equal support and will be treated with dignity and respect throughout the process. Both students have rights to:

- Confidential advice and resources.
- Fair treatment and respect.
- Support services.
- Clear information about the process.

1.5.2. Reporting students have the right to withdraw their complaint; however, if the report involves a serious risk to the safety of members of the University community, the University may need to take

action even if the student wishes to withdraw the report. In such cases, the University will always discuss the situation with the reporting party before moving forward.

1.5.3. Reported students will be treated fairly and given information on the process, their rights, and access to support services to ensure they have a chance to respond fully and openly.

1.5.4. This Policy is designed to be accessible; however, students can access reasonable adjustments to the procedure, including accessible formats and support to attend hearings, upon request.

1.5.5. 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 for the delay. Any delays and the rationale for these will be communicated with all involved as soon as reasonably practicable.

1.5.6. Students (whether reporting or reported) are entitled to a meeting with the Student Casework team at any point during a conduct case for the provision of advice or to discuss reasonable adjustments to the procedure.

1.6. Support

1.6.1. Report + Support is our centralised tool for recording instances of misconduct and coordinating support for students involved in serious incidents. The University uses this system to coordinate support for reporting and reported students.

1.6.2. Sexual Violence Liaison Officers (SVLOs) are available to support students involved in sexual misconduct cases and can be accessed by contacting the Student Life Team. The team is available to any student involved in a misconduct case of any nature. When dealing with incidents of misconduct, students should be referred to the Student Life Team by completing a report via Report and Support.

1.6.3. Students involved in procedures under this Policy are encouraged to access the Students' Union Advice Service for independent support and advice at all stages of the Policy, including access to representation.

1.6.4. Students may bring a supporter to meetings. This can be a friend or family member, UPSU Advice Representative or someone else nominated by the student. It is always helpful to inform the meeting host of this as soon as possible, so arrangements can be made to accommodate this. At the meeting, your supporter may make a statement to us and ask questions but should not answer questions on your behalf. You may talk privately with your supporter at any time during the meeting and may ask for a brief adjournment to do so.

1.6.5. Legal representatives are not required. If a student wishes to bring a legal representative, they must notify the University in advance, and the University may arrange legal representation for its staff as a result.

1.6.6. The Student Wellbeing Service is available to support students and provide free mental health, wellbeing and counselling support.

1.6.7. Chaplaincy is available for support, guidance and confidential one-to-one chats, and is open to all students, regardless of the student's values or beliefs.

1.6.8. The Residence Life team is available to support students living within University-allocated halls through one-to-one meetings with an Advisor and can facilitate specialist support where appropriate.

1.7. Expectations of All Parties

1.7.1. All parties involved must treat each other with dignity and respect. The University retains the right, where we consider the actions of anyone involved to be unacceptable, to depart from the procedure, to ensure that others involved do not suffer any disadvantage from individuals who act in an unacceptable manner. Restrictions may include:

- Modifying the manner in which you are permitted to communicate with us or participate in the procedures.
- Restricting your right to communicate with us, both now and in the future.
- Suspending or terminating the procedures.
- The Student Casework Team may also raise the matter as a separate disciplinary issue under this Policy.

1.7.2. Recording of discussions is not permitted without permission from all participants. Where recordings are taken, they should only be retained until the meeting notes have been agreed.

1.8. Confidentiality

1.8.1. The person carrying out an investigation needs to be able to communicate and discuss the matter with everyone involved. It is for this reason that we will not generally investigate anonymous complaints. Complainants should be aware that it is not usually possible to withhold their name as the complaint itself will, in most cases, identify the people concerned. Each case will be determined on its own merits by the Student Casework Team.

1.8.2. Investigation details will be shared only with those who need to know. The Student Casework Team will handle all correspondence sensitively and will only share the information necessary to each member of staff or student as appropriate.

1.8.3. Following disciplinary procedures, only relevant parties will be informed of the outcome. This will usually be the Student Casework team, the reported student, the reporting party, the Head of School (or equivalent) for the reported student and the Associate Dean (Students) (or equivalent), as well as any relevant support services staff.

1.8.4. The University expects all those involved in a misconduct case at any stage of this procedure to respect the confidentiality of the Policy and failure to do so will be considered unacceptable under section 1.7.1 above. The University will only breach the confidentiality of this Policy if there is a clear lawful basis for doing so, particularly if the safety of students, staff or general public is at risk.

1.9. Equality, Diversity and Inclusion

1.9.1. We are committed to an inclusive process free from discrimination. Our Policy is designed to be fair, transparent, and accessible to everyone, regardless of their race, ethnicity, gender, sexual orientation, religion, age, disability, or any other characteristic protected by law.

1.9.2. We recognise that individuals from different backgrounds and identities may experience barriers when raising concerns or making complaints. We commit to handling all complaints with sensitivity, impartiality, and respect, while actively addressing any issues related to inequality, bias, or discrimination that may arise.

1.9.3. To discuss how we can better support you to engage with this process, please contact the Student Casework team.

2. What is Unacceptable Behaviour?

2.1. Definitions

2.1.1. Unacceptable behaviour is defined as behaviour that could reasonably cause upset, distress or harm to another person or harm to the University or its reputation.

2.1.2. The University prohibits harassment, discrimination, and abusive behaviour targeting any individual or group based on protected characteristics, including gender identity. However, the expression of opinions or academic positions based on evidence or philosophical belief, when presented in a respectful and scholarly manner, do not constitute harassment or prohibited behaviour, even when

such views may be challenging or controversial. The University distinguishes between harassing behaviour directed at individuals and the expression of viewpoints on theoretical or policy issues as part of legitimate academic discourse.

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

- Antisocial behaviour or the active promotion of antisocial behaviour.
- Inappropriate, abusive or threatening behaviour, including on social media.
- Compromising the safety of and/or wellbeing of staff, other students, or visitors, or causing a health and safety concern. This may include failure to follow the safety guidelines relevant to the sport or activity.
- Sexual misconduct.
- Violence, harassment and hate crimes/speech.
- Failure to act in compliance with the Dignity and Respect Policy, including discrimination/harassment based on someone's age, disability, gender reassignment, gender identity, marital status, pregnancy, race, religion or belief, sex or sexual orientation.
- Behaviour likely to bring the University into disrepute, such as disruptive behaviour in the community.
- Internet access abuse, such as visiting inappropriate websites, uploading/ downloading inappropriate content, and propagation of computer viruses.
- Disruptive behaviour on the University's premises, such as setting off fire alarms or obstructing access to buildings or rooms.
- Damage to or deliberate misuse of the University's property or abuse of its facilities.
- 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 (this may also be considered an academic disciplinary matter).
- Persistently contacting someone against their wishes.
- Not declaring a criminal charge/conviction when required to do so.
- Arranging or participating in initiation/hazing activities in relation to sporting or social activities.
- Substance misuse (including during sporting or social activities) or breach of policy related to the possession of illegal drugs for personal use.
- Other behaviour which may also constitute a criminal offence.

2.2. Sexual Misconduct

2.2.1. As defined by the University's Sexual Misconduct Policy, sexual misconduct is defined as any unwanted conduct of a sexual nature.

2.2.2. Sexual misconduct can occur:

- In person, by letter, telephone, text, email or other electronic means and/or social media.
- Between individuals of any gender identity or sexual orientation.
- By someone known to the victim or by a stranger.
- In any location on or off campus.

2.2.3. We will actively respond to all reports of sexual misconduct and will respect the rights of the individual reporting an incident to choose how to take the matter forward.

2.2.4. We believe that no person should experience the effects of sexual misconduct alone and will ensure that there is dedicated specialist support for all individuals involved. Further details can be found in the Sexual Misconduct Policy.

3. Reporting Misconduct

3.1.1. All misconduct reports are taken seriously and anyone, including non-University community members, may raise concerns. However, not all reports will necessarily progress beyond the initial assessment stage, and progression will depend on the nature of the concerns raised and the information available.

3.1.2. To report an incident:

- Use Report + Support and select the option to be contacted by an advisor.
- Report to any staff member or the Students' Union, who will complete the Report + Support form.
- Complaints relating to Team UoP activities may be raised within Sport & Recreation, who will notify the Student Casework team before initiating the Precautionary Measures process.

3.1.3. Following receipt of the report, Student Life will contact the reporting party to advise them of the welfare and support options available and reporting options, including a complaint under this Policy.

3.1.4. Student Life (or other support service) will pass confirmed complaints to the Student Casework team to carry out the Preliminary Assessment.

3.2 Preliminary Assessment

3.2.1 Upon receipt of a report, the University will undertake a preliminary assessment to determine whether the matter should proceed under this Policy.

3.2.2 Following the preliminary assessment, the University may decide that the matter will not be taken forward for investigation where it determines that:

a. the conduct matter has already been addressed appropriately and effectively through another process or body (for example, the Students' Union, an employer, a placement provider or an external authority), and there is no outstanding University interest that would justify further action under this Policy; and/or

b. the report does not disclose a credible allegation of misconduct, including where:

- insufficient information or evidence has been provided to enable the matter to be meaningfully investigated.
- the behaviour described, even if accepted as true, would not amount to a breach of this Policy; or
- The report is considered to be misconceived, vexatious or without reasonable foundation.

3.2.3 Decisions at the preliminary assessment stage will be taken by a member of the Student Casework team with no material prior involvement in the matter. A brief written record of the decision and the reasons for it will be retained.

3.2.4 The reporting party will be informed in writing of the outcome of the preliminary assessment, including a clear explanation of the reasons for the decision and information about any alternative routes available to them.

3.2.5 A decision not to proceed following preliminary assessment may be reviewed where the reporting party provides new information that materially alters the basis on which the original decision was made.

3.2.6 Where a matter is more appropriately addressed under another University procedure, or has been addressed effectively by another body, the University will normally not duplicate that process under this Policy.

3.2.7 A decision not to/to proceed following preliminary assessment does not constitute a finding of misconduct and will not be treated as such for any future purposes.

3.2.8 Where, during the course of a conduct case, a reported student raises allegations of misconduct against the reporting student ("counter-complaint"), the University will consider those allegations in accordance with this Policy.

3.2.9 Any counter-complaint will be subject to a preliminary assessment to determine whether it discloses a credible allegation of misconduct. Where appropriate, the University may investigate counter-complaints as part of an ongoing investigation or may initiate a separate investigation where a counter-complaint relates to distinct incidents, raises materially different issues, or where investigating the matters together would risk

procedural unfairness or confusion. If a separate investigation is required, the University will decide whether to run the investigations consecutively or currently and will inform relevant parties of the approach to be taken.

3.2.10 In deciding the appropriate approach, the University will have regard to fairness, proportionality, procedural clarity, and the need to avoid unnecessary duplication. Allegations will be clearly defined, and findings will be made separately in respect of each alleged breach of this Policy. The fact that allegations are reciprocal will not of itself determine the outcome of either complaint.

4. Precautionary Measures

4.1.1. Where a report proceeds beyond preliminary assessment, the Student Casework team will consider whether precautionary measures are required whilst a case is being considered. The process to consider and implement these measures should be completed within 15 working days. Precautionary measures do not suggest that an allegation is true or false but are designed to support the continuation of studies for students at the University and/or to protect the University community. Precautionary measures may be implemented whether or not the alleged misconduct may also be subject to police investigation or criminal proceedings.

4.1.2. On receipt of a new case, the Student Casework team will work with Student Support Services and the relevant Academic School(s) and professional services to identify and implement appropriate precautionary measures in line with section 4.1.1. Measures at section 4.14 can be authorised by the Head of School or Service (or nominated representatives), the Senior Student Casework Manager or the Student Support Services Directors (or equivalents).

4.1.3. Where necessary, precautionary measures may be put in place to protect:

- The members of the University community in general; and/or
- A particular member(s) of the University community; and/or
- The reputation and academic standards of the University; and/or
- The public, patients and other service users at placement sites.

4.1.4. Intervention measures and/or outcomes may include:

- Mutual no-contact agreement (an agreement between students involved in a case not to contact each other).
- Re-arrangements of classes.
- Temporary suspension from a particular University activity or service (including Sport & Recreation / UPSU activities & memberships), or from placement.

- Where students are living in University allocated halls, reallocation to an alternative suitable room or temporary suspension from halls.

4.1.5. 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 Academic Registrar to the Vice Chancellor for (but not limited to):

- Removal from University Halls.
- Suspension from some or all course activities.
- Suspension from some or all buildings.
- Notification to HR if the student undertakes paid employment within the University.
- Suspension from the University.

4.1.6. If any of the measures listed at section 4.1.5 are requested, the Student Casework team will present the request to the Academic Registrar who will authorise the suspension as the appointed nominee of the University Vice-Chancellor.

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

4.1.8. There will be a monthly review of suspensions by the Academic Registrar or their nominee 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. The Academic Registrar will conduct a further review after 12 months for any student who is suspended for this period of time to assess the case more fully, and to agree next steps.

4.1.9. Failure to comply with any precautionary measures, intervention measures or suspensions from the Academic Registrar or Vice-Chancellor, listed under sections 4.3, 4.4 and 4.5, may result in disciplinary action.

5. Informal Process

5.1.1. If a student or staff member is concerned about the conduct of a student, they are encouraged to consider informal options for early resolution, although the reporting party's decision about whether to engage in the informal process will be respected. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships or social and academic

activities. The University offers a restorative informal approach, which is often sufficient to resolve the matter without the need for more formal means.

5.1.2. Informal resolution will only be pursued where the University considers it appropriate, taking into account the nature of the alleged behaviour, any power imbalance, and the preferences of the parties. If an informal resolution is appropriate, an Authorised Person will be appointed by either the Head (or equivalent) of School or Professional Service or the Student Casework team to discuss the matter with both the reported student and the reporting party and to make a record of the discussion and outcome. Options for informal resolution may include:

- Facilitating a meeting or mediation.
- Contacting the student on the person's behalf to explain the concerns.
- Requesting that certain unwanted behaviours or contact not be repeated, or.
- Facilitating supportive measures for the person concerned to reduce future contact.

5.1.3. Outcomes may include apologies, behavioural agreements and mediation, as well as the provision of support and agreement to continue precautionary measures already in place.

5.1.4. Informal resolution is always undertaken in good faith, to foster good community relations, and is not based on any assumption about whether or not misconduct has occurred. Any intervention does not represent a decision by the Authorised Person about any potential misconduct, nor apportion blame.

5.1.5. 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 reported student and reporting party by the Authorised Person. If this is not the case, then the matter will proceed to formal investigation.

5.1.6. Students are encouraged to consider participating in a voluntary restorative process at any time during a misconduct case if they believe it would be appropriate and beneficial. This will only be relevant in cases where both reporting and reported student(s) wish to participate.

6. Formal Process

6.1. Investigation

6.1.1. If informal resolution fails or is not appropriate, an Investigator with no previous case involvement will be appointed by the Student Casework team to:

i. Determine whether (on the balance of probabilities) unacceptable behaviour has taken place.

ii. Whether (on the balance of probabilities) it was the reported student(s) who was responsible for this behaviour; whether there were any factors for consideration which resulted in the behaviour.

iii. Whether there may be a need for referral to a Fitness to Study / Fitness to Practise procedure either instead of, or in addition to, an outcome under this Policy.

6.1.2. All staff involved in conducting investigations or serving on conduct panels will receive specific training on the intersection of academic freedom, freedom of speech, and equality principles. When considering allegations of harassment, bullying, or other prohibited conduct in academic contexts, those investigating will explicitly consider the principles of academic freedom and freedom of speech. If the behaviour under investigation occurred in an academic context, investigators must determine whether the expression was protected under the University's Code of Practice on Freedom of Speech and Expression, with particular consideration given to the context, manner, and purpose of the expression. Legitimate academic inquiry and debate, even on controversial or sensitive topics, will be protected from disciplinary action when conducted in accordance with scholarly standards and without targeting individuals.

6.1.3. The investigation must be carried out as quickly as possible and should, normally, be completed within 30 working days of the start date as notified by the Student Casework team. If the investigation cannot be completed within that time, we must tell both the reported student and any reporting party in writing and give the reasons why more time is needed as well as the intended date the investigation will be completed.

6.1.4. The Investigator will be supported by a named member of the Student Casework team and will:

i. Meet with the reporting party to discuss the scope of the investigation and desired resolution.

ii. Invite the reported student to a meeting with clear information about the process as outlined at 6.1.5.

iii. Interview other relevant witnesses.

iv. Produce a report of findings.

6.1.5. The reported student will receive the following information in advance of any meeting with the Investigator:

i. Details of 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, or a family member or friend.

6.1.6. On the conclusion of all meetings, the notes of the meeting will be shared with the attendees to check for matters of factual accuracy.

6.1.7. Meetings can be held in person or virtually and reasonable adjustments will be applied as necessary.

6.1.8. If anyone involved in the process cannot attend a meeting it can be rescheduled. If the reported student(s) fails to attend the meeting or otherwise engage in the process without good reason, the Investigator may proceed in their absence.

6.1.9. Both the reported student and the reporting party shall have the right to reply to evidence submitted to the Investigator before the investigation is complete. If new evidence is received during the investigation interviews, the Investigator will either conduct a second round of interviews or will correspond with the reported student and complainant as appropriate.

6.1.10. The possible outcomes of the investigation include:

- The student has not been considered to be in breach of the Policy, and the matter will be closed.
- The student has been considered to be in breach of the Policy, and the matter can be resolved at this stage with the imposition of a minor or moderate sanction.
- There is a case to answer for a breach of the Policy, and a Panel should be convened to consider if a major sanction is appropriate.

6.1.11. Outcomes may also include recommendations for additional or continuing support for students, or for the continuation of precautionary measures previously implemented.

6.1.12. The investigation report will be shared with the reported student and that student's Head of School (or equivalent) as well as the Student Casework team and any relevant professional services staff (for example where an outcome is relevant to a student's Team UoP membership). The reporting party (where relevant) will receive a summary report providing all of the information the University is able to share, including the decision, the rationale for that decision and outcomes of relevance to the reporting party.

6.2. Panel

6.2.1. Where a Panel is required, the Investigator submits the investigation report and a Panel request to the Student Casework team, who will determine if the request is valid.

6.2.2. A Panel can be cancelled by the Academic Registrar or nominee (on the basis that a Panel is not appropriate) at any time before the Panel's Decision Notice is issued at section 6.2.10. If this is the case, written reasoning will be provided to all parties along with an explanation of the steps to be taken to resolve the case.

6.2.3. If the request is valid, the Student Casework team will give notice of this to all those involved within 10 working days of the receipt of the investigation report.

6.2.4. The Student Casework team will then, within 30 working days of the notice issued at 6.2.3, appoint and schedule a Panel and Secretary of members with no previous involvement in the matter, and who have declared that they do not have a conflict of interest in relation to the case. The Panel will have a quoracy of three members consisting of:

- A member of Academic Council or its subcommittees or an Authorised Person as Chair.
- A senior academic or Professional Services staff member.
- A representative nominated by the Students' Union.

6.2.5. Where required, the Panel membership may be expanded to include any additional member(s) where required by the relevant Professional Statutory and Regulatory Body associated with the student's course of study, or to include specialist/expert staff from other areas of the University.

6.2.6. The Panel and the reported student will be given at least 10 working days' notice of the Panel, including the following information:

i. A copy of the Investigation Report.
ii. The date, time and venue of the meeting.
iii. Details of where help and advice may be sought.
iv. A copy of any evidence that will be considered.
v. Details of a student's right to bring a Supporter to the Panel.
vi. The right to request reasonable adjustments.

6.2.7. If the reported student is unable to attend (physically or virtually) they can submit a written statement of the case in advance by email to studentcasework@port.ac.uk, which will be considered at the Panel meeting. If the student does not attend and does not submit a written statement, the Panel will proceed regardless but may be conducted by correspondence.

6.2.8. The reporting party is not required to attend the Panel but is entitled to submit an impact statement to the Panel which will be considered at the Panel meeting. The reporting party is entitled to request attendance at the panel meeting (to make representations to the Panel and answer questions from the Panel) by contacting the Student Casework team, who will decide if attendance is appropriate after discussing it with relevant parties and the Panel Chair.

6.2.9. The Panel will consider the evidence and form a conclusion based on the balance of probabilities. The possible outcomes of the Panel are:

- no breach of the Policy has been demonstrated, and the case will be closed.
- the student has been in breach of the Policy, and the Panel shall decide whether to impose one or more sanctions at any level of severity.

6.2.10. Following the meeting, the Panel will issue a written Decision Notice to the reported student and the Investigator, copied to the student's Head of School and any relevant professional service. The notice shall consist of the following:

i. A summary of the major points made during the meeting.
ii. A concise statement of the Panel's findings.
iii. Justification of the decision reached, and the sanctions imposed, including the assessment of fairness and proportionality.
iv. In the case of any finding that a student's behaviour is unacceptable, the actions required and the arrangements for the application of any sanction.
v. An explanation of the student's right of appeal.
vi. Appropriate support available for the student.

6.2.11. The Panel will communicate the outcome in writing to the reporting party and, where appropriate, the following may be notified:

- The Professional Statutory and Regulatory Body associated with the student's course.
- The employer of a degree apprentice.
- Staff responsible for a particular service (such as the Head of Residential Services if the outcome is relevant to halls accommodation).

7. Appeals

7.1.1. The reported student has the right to appeal the outcome of the case.

7.1.2. The reporting party does not have the right to appeal the outcome of the case or a decision not to proceed following preliminary assessment, although reporting students have the right to complain to the University about the way the case was handled, under the Student Complaints Procedure. Reporting parties should note that the case will only be reopened if the criteria at Section 1.1.6 of this Policy are met.

7.1.3. Students may appeal within 10 working days of receiving a decision. We recommend students use this time to seek advice from the sources listed in section 1.6, above, before submitting an appeal; however, an appeal can be submitted at any time during these 10 working days, particularly if an urgent decision is required.

7.1.4. The grounds for appeal are as follows:

i. There has been procedural irregularity in the conduct of the disciplinary process.
ii. New material evidence is available which was not previously reasonably available.
iii. The decision made was unreasonable and/or the sanction imposed was disproportionate to the disciplinary offence.

7.1.5. The Academic Registrar or nominee, who has had no previous involvement in the case, will consider the appeal within 10 working days and will advise the student whether valid grounds for appeal have been established.

7.1.6. Where, in the opinion of the Academic Registrar or nominee, a valid ground for appeal has been established, the Student Casework team will convene an Appeal Panel, consisting of members with no previous involvement in the matter and who have declared no conflict of interest. The Appeal Panel will have a quoracy of three, and members must be eligible to take part in a Panel as set out at section 6.2.4 above.

7.1.7. The Appeal Panel will reconsider the case and are entitled to overturn the decision of the original Panel. This will take place as soon as possible and normally within 30 working days of the decision of the Academic Registrar or nominee. If the Appeal Panel does not uphold the appeal, the decision of the Panel will stand, there will be no further opportunities for appeal and the University's internal procedures are completed.

7.1.8. Where, in the opinion of the Academic Registrar or nominee, no valid ground for appeal has been established, the decision of the Panel will stand and there will be no further opportunities for appeal. The Student Casework team will reject the request and will write to the reported student to inform them of this decision. Students will be issued with a Completion of Procedures letter at this point.

8. Review by the OIA

8.1.1. Students will receive details of how to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for an independent review of the outcome of the case in the Completion of Procedures letter issued from Academic Registry and will have 12 months to do so.

9. Monitoring and Reporting

9.1.1. Annual reports on conduct cases are submitted to University leadership and the Students' Union for its information and to consider and recommend action on any university-wide issues arising from conduct cases, including:

- Number of cases considered suitable for early resolution.
- Number and outcomes of cases investigated and the number and outcomes of Panels.
- Number of cases with academic freedom considerations and the outcomes of these cases, along with actions taken to monitor any “chilling effect” caused by conduct cases.
- Appeals and their outcomes.
- Nature of complaints and findings.
- Actions taken.
- Equality monitoring statistics.

9.1.2. The University gathers and reviews annual data from its education partners as part of the annual reporting cycle. The University considers this information to provide oversight of partner provision, identify themes and areas for improvement, and agree any necessary actions with the partner.

10. Records Retention

10.1.1. Documents relating to conduct cases are kept for six years following resolution, in line with the University's Retention Schedule.

Appendix A: Definitions

Throughout the Student Conduct Policy, the following definitions apply:

Academic Registrar

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

Authorised Person

The Authorised Person is any person who has responsibility for Panel attendance, or for the informal process under this procedure.

Balance of probabilities

A standard of proof in which a decision is made following an objective assessment of the evidence as to whether it is more likely than not that an alleged incident occurred.

Exclusion

The cancellation of a student's registration, where they will no longer be a member of the University and will not be able to complete their studies or access the University campus or other services, effective immediately.

Investigator

The Investigator is any person who is appointed by the Student Casework team to conduct an investigation under the formal process. The role and functions of the Investigator are undertaken by appropriately trained individuals, appointed by the University.

Office of the Independent Adjudicator (OIA)

An independent body set up to review student complaints about Higher Education Providers in England and Wales. It provides students with the opportunity of an independent review of their complaint or appeal once the University's internal procedures have been followed and completed.

Procedural Irregularity

Procedural irregularity means the University has not acted in accordance with its own regulations or procedures or has not acted with procedural fairness.

Protected academic expression.

Examples of protected academic expression may include scholarly analysis of e.g. gender theory; critique of theoretical frameworks; respectful debate on legal or policy issues related to protected characteristics; or teaching materials that present diverse viewpoints on controversial issues. **These contrast with prohibited behaviours such as** directing slurs at individuals; refusing to use agreed names or pronouns in direct

communication; persistently targeting individuals for their protected characteristics; or creating a hostile environment through a pattern of behaviour targeting individuals rather than ideas.

Reporting Party
Anyone reporting a student under this Policy who is not themselves a student.

Reporting Student
Anyone reporting a student under this Policy who is also a student.

Reported Student
A student at the University who is reported under this Policy for a suspected misconduct offence.

Representative / Supporter
The Representative is defined as a person who may represent the Responding Student during the process and make representations on their behalf. A Supporter is someone who attends the meeting alongside the reported student for the purposes of supporting them.

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 university procedures for Academic Misconduct but will be subject to the local rules of the collaborative partner for behavioural 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.

Witness
The Witness is defined as a person who has witnessed a student's alleged misconduct or otherwise has relevant information about the suspected misconduct. A Witness is not restricted to someone to whom misconduct was directed.

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

Appendix B: Students Under Arrest

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 a criminal offence can vary, the University's response will also vary to ensure it is proportionate.

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 Statutory or Regulatory Body (PSRB), there will 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 Director of Student Support Services or their deputy.
- The Senior Student Casework Manager or their nominated representative.

3. Actions

3.1 Depending on the nature of the allegation, the Director of Student Support Services will initiate the Precautionary Measures process, under which a risk assessment will be completed first to consider the preliminary intervention measure necessary to safeguard all concerned. This risk assessment may include consideration of the student's mental health, whether they are able to return to safe accommodation, parents or others to provide support, etc. The Academic Registrar (or nominee) will then commence appropriate proceedings, identifying relevant person(s) who will monitor progress of the risk assessment's 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. If a student is subject to a custodial sentence of a period lasting more than one year, the Vice-Chancellor may terminate the student's registration.

3.3 A student may also be suspended if, in the opinion of the Vice-Chancellor, a precautionary suspension is necessary according to section 4 of the Policy.

3.4 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. 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, UKVI implications, etc.

4. Communication

4.1 The Academic Registrar or nominated representative, will also consider:

- Whether Library & Information Services (LIS) be requested to scan files viewed by the student under arrest and, if thought appropriate, make further reference to the police. The Director of Library & Information Services 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. Relevant circumstances may include a concern for the welfare of the arrested student, or for the welfare of other students or staff members.
- 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 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.

5. Review

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.

Appendix C: Taxonomy of Misconduct and outcomes

1.1. Where a breach of the Policy is proven, the University will apply one or more sanctions.

1.2. Only a Panel can apply a major sanction.

1.3. A student's previous disciplinary record will not normally be relevant to whether they have committed an offence. However, it is likely to be relevant to decisions about sanction. The Student Casework team will advise the decision maker on any relevant previous disciplinary offences only once an offence is proven.

1.4. The Student Casework team will also advise the decision makers of relevant precedents relating to similar cases, whilst recognising that each case must be considered on its own merits.

1.5. In matching an offence to a level of sanction, the decision maker must consider the full range of sanctions available at that level and must only apply a higher sanction than the lowest available if there is a good reason that the lower sanctions are insufficient, which must be documented.

1.6. Decision makers may take the following additional information into account when deciding the proportionality of sanctions:

- Impact statement(s) from the Reporting Party and other witnesses obtained during the investigation/panel stages.
- Aggravating factors such as previous similar breaches, the vulnerability of the victim, or any role in influencing others to breach the Policy.
- Mitigating factors such as no previous similar breaches, any mental or physical health conditions that affected the student's ability to meet their responsibilities, other issues that led to a greater degree of provocation than normal and intersectional issues relevant to the situation.

Table of misconduct and sanctions

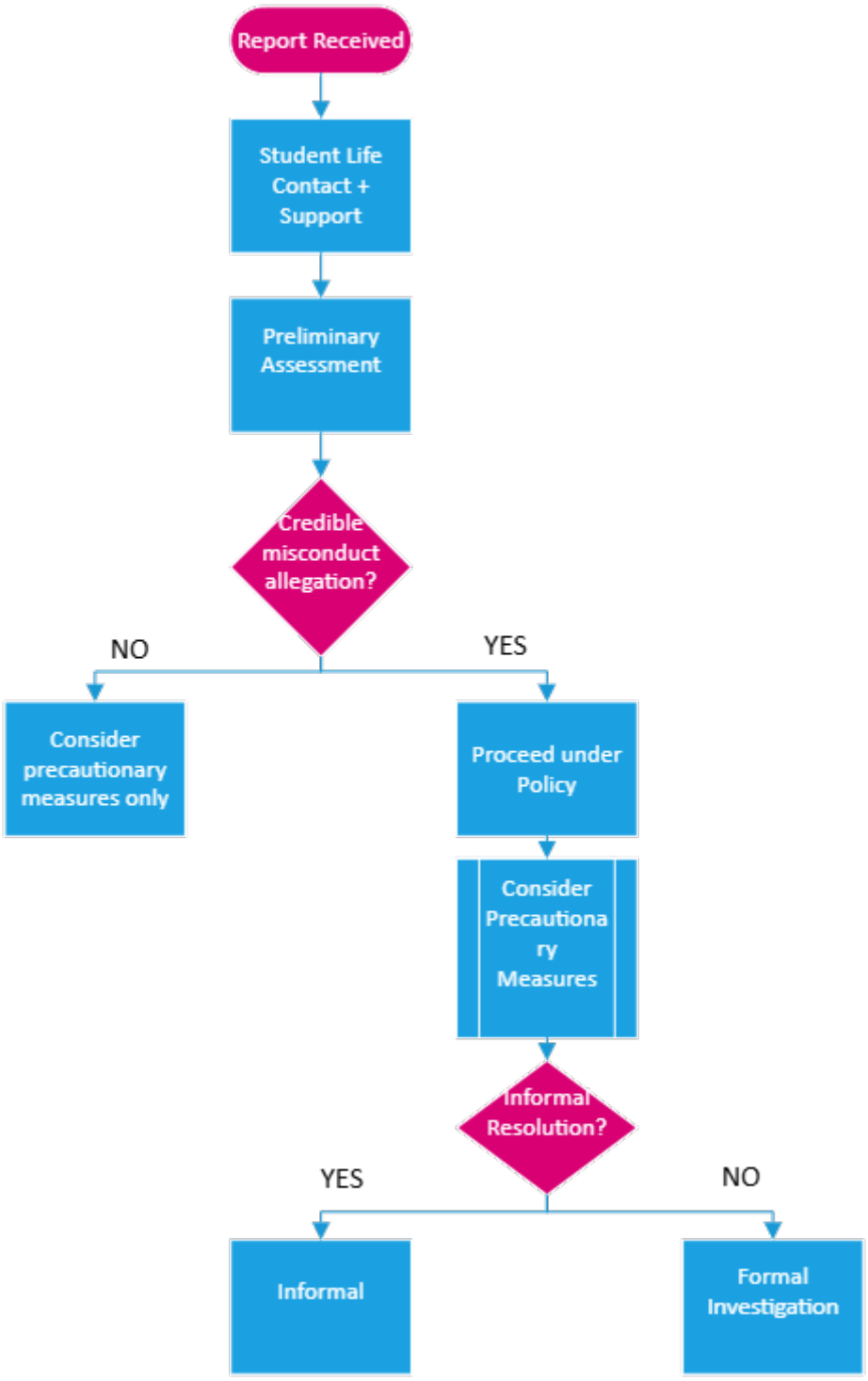
1.7. As above, all acts of misconduct and sanctions are provided as illustrations of what may typically be considered under each level of misconduct. This is not meant to be an exhaustive list and must be considered in the situational context.

Minor misconduct	**Minor sanctions**
● Minor damage to University premises (including Halls). ● Inappropriate use of social media or messaging platforms. ● 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. ● Breach of policy related to the possession of illegal drugs for personal use (please refer to 2023 drugs policy). ● Inappropriate behaviour during a sporting or social activity such as inappropriate chanting or use of prohibited substances	● Written warning issued to student - held on their record for up to 12 months. ● Mutual behaviour agreements, which may include apologies. ● Student to make good any damage caused, which may include financial reimbursement. ● Participation in conflict resolution or specialist mediation, where appropriate, leading to a mediated meeting or bespoke restorative agreement. ● Student required to undertake training to ensure that future occurrences do not arise.
Moderate misconduct	**Moderate sanctions**
● Repeated Minor misconduct. ● Bullying and/or harassment. ● Violent behaviour. ● Significant damage to University premises (including Halls); ● Breach of policy related to the possession of illegal drugs with intent to supply (please refer to 2023 drugs policy); ● Major breach of other University Regulations; Sexual harassment / misconduct.	● Written warning issued to student - held on their record up until completion of their current course; ● Student to issue an apology; ● Student to write a reflective piece; ● 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 to a Panel.

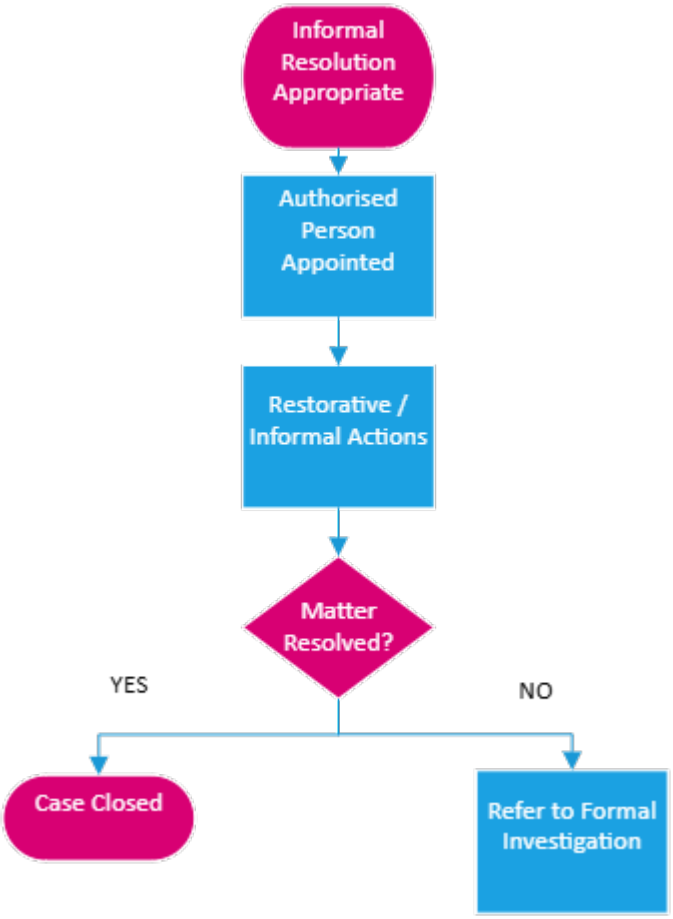
	● Student is excluded from accessing specific services (not including study activities or student account) for a period of time. ● Student is excluded from accessing specific University activities (such as Team UoP) for a period of time. Student is ineligible to apply for a leadership role in a specified sporting or social activity in future
Major misconduct	**Major sanctions (can only be applied by a Panel)**
● Fraudulent application to the University (including financial fraud). ● Repeated Moderate Misconduct offences. ● Sexual assault/violence, or repeated sexual harassment/misconduct. ● Hate crime/speech. ● Behaviour which may also constitute a ● criminal offence.	● Student is suspended from their studies. ● Student is prohibited from accessing specific services/premises of the University. ● Student is excluded from the University permanently.

Appendix E: Flowcharts

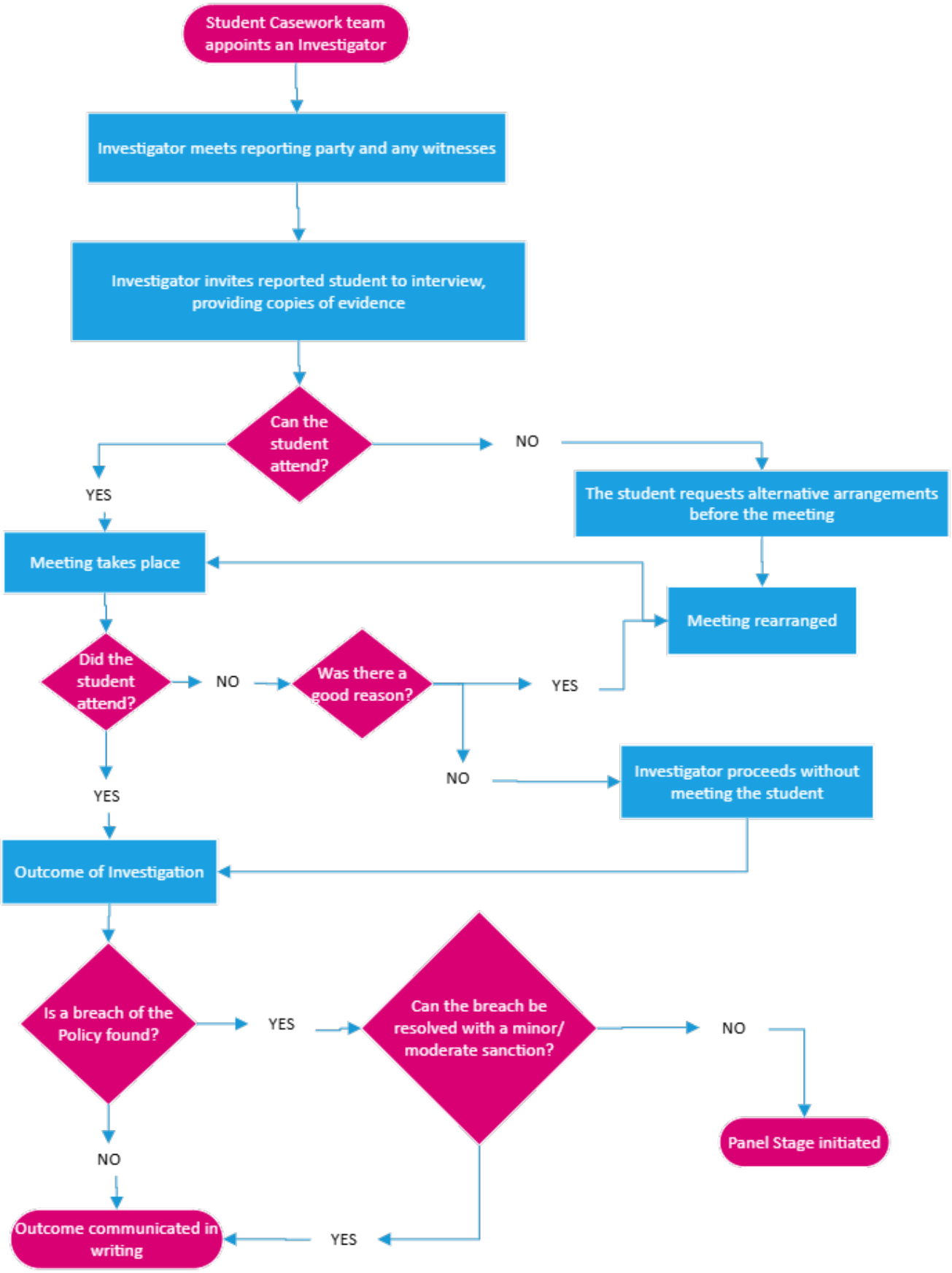
Report Received



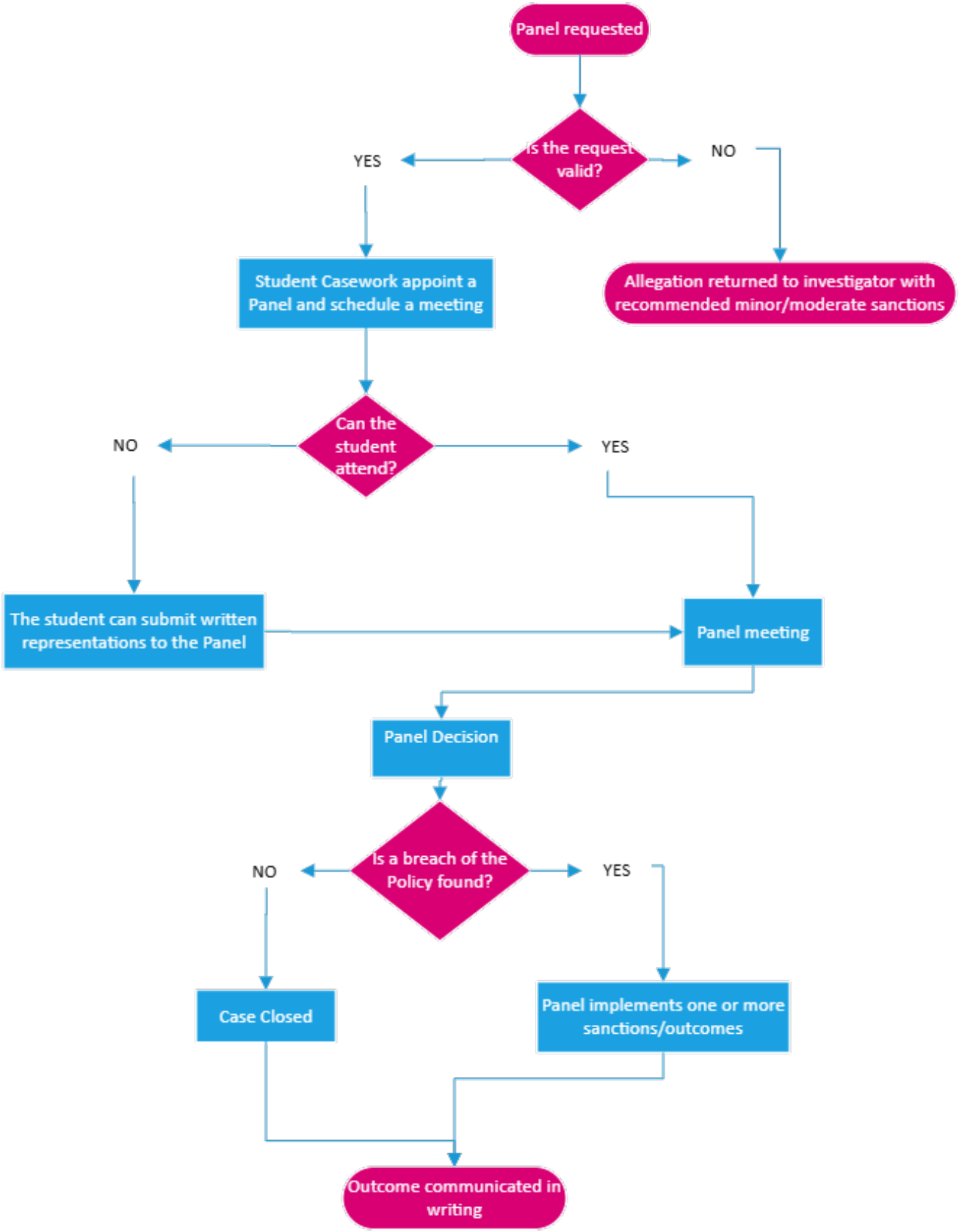
Informal Process



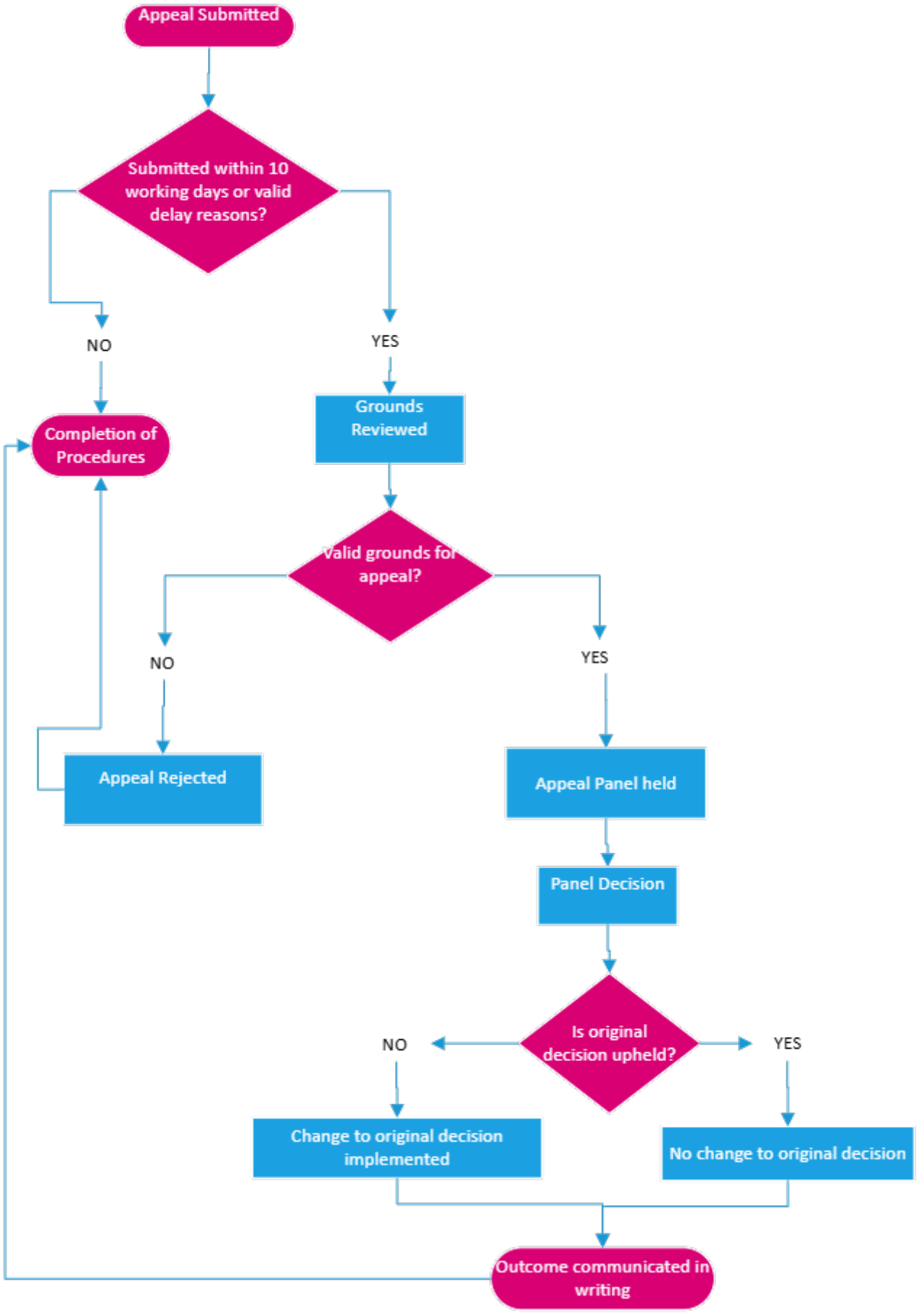
Formal Investigation



Panel


Panel requested
Is the request valid?
YES
NO
Student Casework appoint a Panel and schedule a meeting
Allegation returned to investigator with recommended minor/moderate sanctions
Can the student attend?
NO
YES
The student can submit written representations to the Panel
Panel meeting
Panel Decision
Is a breach of the Policy found?
NO
YES
Case Closed
Panel implements one or more sanctions/outcomes
Outcome communicated in writing

Appeal


Appeal Submitted
Submitted within 10 working days or valid delay reasons?
NO
YES
Completion of Procedures
Grounds Reviewed
Valid grounds for appeal?
NO
YES
Appeal Rejected
Appeal Panel held
Panel Decision
Is original decision upheld?
NO
YES
Change to original decision implemented
No change to original decision
Outcome communicated in writing