

CODE OF DISCIPLINE FOR STUDENTS

A General Introduction

- 1 Regulations on discipline are necessary because the University is a society in which good standards of communal life must be maintained, so that all its members may enjoy conditions enabling them to achieve their aims in joining it. Present students should also, in their behaviour, show proper concern for the reputation of the University and its effect on their contemporaries and their successors.
- 2 The acceptance of an offer of admission by students is regarded as an undertaking to obey such University Ordinances and Regulations as are in force at any time during their period of study, and each student is required at registration to enter into such an undertaking.
- 3 Students are responsible for making themselves familiar with all ordinances and regulations which affect them, and with notices posted on notice boards.
- 4 The University employs a Head of Security and uniformed security staff for the purpose of protecting persons and property and maintaining order on the campus.
- 5 The following sections of this Code set out in turn the Ordinance governing Discipline, the regulations governing the conduct of students, and the disciplinary procedures.

B Ordinance XXIV: Discipline

- 6 Council has made the following Ordinance concerning student discipline:
 1. Every student shall be subject to the University's Code of Discipline as shall be passed by Senate and approved by Council.
 2. The Vice-Chancellor may suspend any student from attendance at any class or classes and may exclude any student from any part of the University or its precincts, and shall report every such suspension or exclusion to the Council and Senate at their next meeting. These powers may be exercised by the Registrar or a Pro-Vice-Chancellor designated by the Vice-Chancellor.
 3. Members of staff of the University and other persons authorised for the purpose, shall have authority to check disorderly or improper conduct or any breach of disciplinary regulations occurring in the University buildings or in their precincts or otherwise in the course of activities organised by the University.
 4. Any member of staff and other persons authorised for the purpose may, in the case of disorderly or improper conduct in a classroom, laboratory or other room in the University or in the course of an activity organised by the University, if they deem it necessary, require any student to withdraw from the room for the day or from the activity, in which case the matter shall be brought to the notice of the staff member's Head of Department or School.

C Regulations governing student conduct

Introduction

- 7 Under Ordinance XV (13), Senate has power, subject to the approval of Council, to pass disciplinary regulations. It has exercised this power to make a number of regulations concerning the conduct of students both in general and as regards the conduct of particular activities. These regulations are set out or referred to in the following paragraphs.

General Regulations on Conduct

- 8 8.1 Misconduct under this Code is an offence. The essence of misconduct is improper interference, in the broadest sense, with the proper functioning or activities of the institution, or those who work or study in the institution; or action which otherwise damages the institution.
- 8.2 The following paragraphs elaborate this general rubric, but not so as to derogate from its generality. This Code is not an Act of Parliament or part of the law of the land and it does not therefore seek to reflect or incorporate the approach of the criminal law in defining criminal offences with great precision. The purpose of the Code is to regulate students' behaviour as students of the University in order to secure the proper working of the University in the broadest sense.
- 8.3 Where a student has invited a personal guest onto any part of University premises (whether that guest is also a member of the University or not) that student shall be regarded as responsible for the conduct of their guest, while present as a guest, so as to be punishable for misconduct of their guest, and for damage caused by their guest, as if the misconduct or damage were their own.
- 8.4 The following are examples of misconduct:
- (1) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
 - (2) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;
 - (3) violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in writing, including electronically) whilst on University premises or engaged in any University activity or otherwise affecting or concerning a University student or member of staff;
 - (4) distributing or publishing on University premises or while engaged in any University activity a poster, notice, sign or any other matter which is offensive, intimidating, threatening, indecent or illegal;
 - (5) fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;
 - (6) action likely to cause injury or impair safety on University premises;

- (7) action likely to impair security on University premises (including the passing of security codes to those not authorised to use them, copying of University keys, and disabling of locks and fastenings);
- (8) any action of harassment or bullying of any student, member of staff, other employee of the University, any authorised visitor to the University, or of any other person in the course of a University activity as defined in the Policy on Dignity within the University;
<http://www.nottingham.ac.uk/staff-handbook/section-3/dignity%20within%20the%20university-policy.php>
- (9) the possession, use or discharge of any weapon, explosive or detonator or the discharge of any firework except with the prior consent of a Head of Department or School or a Warden of a Hall of Residence;
see further the Regulations on Weapons, below.
- (10) breach of the provisions of the University's Code of Practice on Freedom of Speech or of any other Code or University rule or regulation which provides for breaches to constitute misconduct under this Code <http://www.nottingham.ac.uk/registrar/governance/freedom-of-speech.pdf>;
- (11) damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property;
- (12) dropping litter of any description on University premises, whether inside or outside buildings;
- (13) placing posters, signs or notices on any surface other than authorised notice boards; where an offence has been committed under this paragraph, the person or body for whose benefit the poster, sign or notice appears to have been displayed shall be presumed to be responsible for the display unless the contrary is shown;
- (14) misuse or unauthorised use of University premises or items of property, including computer misuse, the misuse or disabling of fire-prevention or fire-fighting equipment, the misuse or alteration of electrical fittings and the unauthorised use of electrical appliances;
- (15) conduct which constitutes a criminal offence, where that conduct:
 - (a) took place on University premises, or
 - (b) affected or concerned other members of the University community, or
 - (c) damages the good name of the University, or
 - (d) itself constitutes misconduct within the terms of this Code, or
 - (e) is an offence of dishonesty, where the student holds an office of responsibility in the University;
- (16) failure to disclose name and other relevant details to a member of the University staff in circumstances when it is reasonable to require that such information be given;
- (17) failure to comply with a previously-imposed penalty under this Code (other than non-payment of a fine, which will be dealt with as a debt to the University).

- (18) failure to conform with the directions as to behaviour or conduct given in writing by the Manager for Off-Campus Student Affairs.

Regulations for Halls and Residences

9 9.1 For the purpose of these regulations a Hall of Residence means the Halls on the University Park campus, on the Jubilee campus and on the Sutton Bonington campus, together with the premises at Broadgate Park, Albion House and Cloister House.

9.2 The Warden of a Hall of Residence (or a person authorised by him or her) shall be entitled on any reasonable grounds to:

- (i) require any person other than a resident member of the Hall in question to leave the premises of the Hall forthwith;
- (ii) to require any resident member of the Hall to leave any part of the premises other than that person's own room.

Failure to comply with any such request within a reasonable time is an offence and the Warden (or authorised person) is entitled to treat the person in question as a trespasser.

9.3 The Warden of a Hall of Residence (or a person authorised by him or her) shall be entitled on any reasonable grounds:

- (i) to prohibit any person other than a resident member of the Hall in question from entering the whole or any part of the premises of the Hall either generally or on a specific occasion, or
- (ii) to prohibit any resident member of the Hall from entering any part of the premises of the Hall (other than that person's own room and the means of entry to it) either generally or on a specific occasion.

Before exercising the power under (i) in respect of another member of the University, or the power under (ii), the Warden (or authorised person) must explain orally or in writing to the person in question why it is proposed to exercise this power and give that person the opportunity to make representations orally or in writing. Any prohibition imposed under the paragraph must be confirmed in writing. Non compliance with a prohibition without reasonable excuse is an offence.

9.4 A person affected may appeal against a prohibition to the Chair of the Senate Disciplinary Committee. In all cases the appeals may be brought in accordance with Part D of these regulations relating to appeals. The prohibition will remain in force pending determination of the appeal.

9.5 Each Hall Council is authorised to make its own rules regarding conduct and behaviour in the Hall and its precincts. These rules must be published to members of the Hall.

9.6 Disregard by a resident member of Hall of a rule made under paragraph 9.5 is an offence.

9.7 Disregard by a person other than a resident member of Hall of such a rule that has been brought to his or her attention is an offence.

- 9.8 Disregard by a resident of the terms of the Accommodation Agreement is an offence, except the non-payment of any debt, which will be dealt with as a debt to the University.

Other Regulations

- 10 10.1 Disciplinary offences are also created by the following regulations:
- (a) Library Regulations
 - (b) Regulations governing use of the University Computing Service
 - (c) Regulations governing the use of cars, motor cycles and other vehicles
 - (d) Regulations on the Use of Weapons
- 10.2 There are separate procedures governing
- (a) Academic offences
 - (b) The termination of a professionally accredited course on the ground of unsuitability for professional practice
- 10.3 A failure by a student to meet a contractual obligation in relation to the payment of fees and the discharge of a debt to the University is not a disciplinary offence.

D Regulations governing disciplinary procedures

Introduction

- 11 An alleged disciplinary offence may be dealt with either summarily or by a Senate Disciplinary Committee.
- 12 Disciplinary proceedings shall be conducted in accordance with the requirements of fairness, but there is no requirement to follow the rules of evidence applicable in a court of law. The standard of proof applied is that of the balance of probabilities.

Officers with Summary Jurisdiction

- 13 The following University officers are empowered to deal summarily with alleged offences as shown:
- (a) The Pro-Vice-Chancellor for Teaching and Learning:
disciplinary offences under the General Regulations on Conduct and other regulations passed by Senate with the approval of Council
 - (b) Wardens of Halls:
disciplinary offences under the General Regulations on Conduct, the Regulations for Halls and Residences and the Regulations on Weapons occurring within the Hall or residence concerned or within its precincts
 - (c) Chief Information Officer:
disciplinary offences under Library Regulations and regulations governing use of the University's information services, including the Code of Practice for the Use of the University Computing Facilities

- (d) The Registrar:
disciplinary offences under the General Regulations on Conduct and other regulations passed by Senate with the approval of Council
- (e) The Head of Security:
disciplinary offences under the General Regulations on Conduct and disciplinary offences under regulations governing the use of cars, motor cycles and other vehicles
- (f) The Manager for Off-Campus Student Affairs:
disciplinary offences under the General Regulations on Conduct and specified disciplinary offences under regulations governing the use of cars, motor cycles and other vehicles

An officer designated by this paragraph may authorise a member of staff to act on his or her behalf, for example, in the case of absence or prior involvement in the matter in question. In the case of the Pro-Vice-Chancellor for Teaching and Learning, the deputy shall be another Pro-Vice-Chancellor. An officer designated by or under paragraph 3 or this paragraph may at his or her discretion sit with another member of the University staff acting as an advisor.

- 14 The maximum penalty which may be imposed summarily is £150 (except where any lower maximum is specified) for each offence together with the payment of compensation in respect of any injury to the person or damage to property. All or part of a fine may be suspended on condition that the student does not commit a further disciplinary offence. If the student is convicted of a further disciplinary offence by an officer with summary jurisdiction or a Senate Disciplinary Committee, that officer or committee may decide that all or part of the suspended fine shall be put into effect.
- 15 Where a student has been convicted of an offence by an officer with summary jurisdiction, the officer may, in addition to any penalty imposed, recommend that a Pro-Vice-Chancellor prohibit the student, indefinitely or for a specified period, from entering an agreement to take residence in any accommodation owned or managed by the University.
- 16 In all cases dealt with summarily, the student will be informed of the case against him or her and the opportunity to defend him or herself. Where the student is convicted (or a prohibition imposed by a Pro-Vice-Chancellor under paragraph 15) he or she will be given reasons for the decision and will be informed of the right to appeal against the decision.
- 17 When an alleged disciplinary offence reported to an officer authorised to act under summary jurisdiction appears to him or her to call for a penalty greater than or different from those he or she is allowed to impose, he or she will refer the case to the University Assessor.

The University Assessor and Deputy Assessors

- 18 The University Council will appoint a University Assessor and may appoint one or more Deputy Assessors from the staff of the University.
- 19 It will be the duty of the University Assessor:
 - (a) to make a preliminary investigation of alleged disciplinary offences referred to him or her or arrange for such an investigation to be conducted;

- (b) to decide whether to recommend that the Vice-Chancellor or the designated Pro-Vice-Chancellor should take any steps in accordance with the provisions of paragraph 24;
 - (c) to decide, in the light of his or her investigation, whether a case should be dismissed, referred to an appropriate officer with summary jurisdiction, or referred to a Senate Disciplinary Committee;
 - (d) when necessary to prepare and present the case against the accused to a Senate Disciplinary Committee.
- 20 When the University Assessor refers a case to a Senate Disciplinary Committee or to the police, he or she will report the facts to the Pro-Vice-Chancellor for Teaching and Learning.

Manager for Off-Campus Student Affairs

- 21 The University Council will appoint a Manager for Off-Campus Student Affairs whose role will include dealing with complaints from residents (including student residents) and others about student conduct and behaviour.
- 22 The Manager will liaise with public authorities in the area and mediate between complainants and students and in all cases attempt resolution by agreement between the parties.
- 23 The Manager will have authority to give Directions in writing to students as to their future conduct and behaviour. Failure to conform with such Directions will be considered an offence under Section 8.4(18) of the Code of Discipline for Students.

Temporary suspension or exclusion by the Vice-Chancellor or the designated Pro-Vice-Chancellor

- 24 Under the provisions of Ordinance XXIV (2) the Vice-Chancellor, the Registrar or the designated Pro-Vice-Chancellor may suspend or exclude a student pending a decision of the University Assessor or the hearing of a case by an Officer with summary jurisdiction, a Senate Disciplinary Committee or the trial of a case by a Criminal Court, as the case may be.

Allegations of criminal offences

- 25 Where an alleged disciplinary offence would also constitute an offence under the criminal law if proven in a court of law, the University Assessor will decide which of the following procedures should apply:
- (i) where the offence under the criminal law is considered to be not serious, action under the Code of Discipline for Students may continue, but such action may be deferred pending any police investigation or prosecution;
 - (ii) in the case of all other offences under the criminal law, no action other than temporary suspension or exclusion in accordance with paragraph 24 may be taken unless the matter has been reported to the police and either it is prosecuted or a decision not to prosecute has been taken. At this time, the University Assessor shall decide whether any disciplinary action under the Code should continue or be taken in the interests of the well-being and discipline of the University Community.

- 26 Where a student is convicted of a disciplinary offence, and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under this Code.

The Senate Disciplinary Committee

- 27 The Senate will appoint a Senate Disciplinary Committee to deal with alleged disciplinary offences referred to it by the University Assessor.

- 28 The Senate Disciplinary Committee will consist of:

A senior member of the University appointed by the Senate for a three-year period as Chair of the Senate Disciplinary Committee;

A senior member of the University appointed by the Senate for a three-year period as Deputy Chair of the Senate Disciplinary Committee;

One member of the academic staff chosen from a panel appointed by the Senate. In the case of matters arising in a Hall of Residence or other University residence one of the members of staff shall if possible be a Warden of a Hall other than that where the incident occurred;

One full-time registered student chosen from a panel of twelve nominated by the Union of Students, except that there will be no student members if the accused student so requests. Should this be the case, a member of academic staff chosen from the panel appointed by the Senate will be appointed.

In the case of matters brought under paragraph 8.4(8) one of the members of the panel should if possible be a trained dignity adviser.

The quorum in all cases will be three and a decision to convict may be made by a majority of the Committee.

The Registrar will appoint a member of his/her staff to act as Secretary to the Committee.

- 29 The staff panel from which members of the Senate Disciplinary Committee will be chosen will consist of:

The Deans of the Faculties;

A Professor of Law, and two Wardens of Halls, appointed by the Senate for three-year periods;

One member of academic staff from each Faculty appointed by the Senate for three-year periods;

At least one Dignity Adviser.

- 30 The accused may object to any member of the Committee chosen to hear his or her case on giving reasons for supposing that member not to be impartial. The validity or otherwise of the objection will be determined by the Chair of the Committee, or by the Registrar where the objection is made to the Chair of the Committee.

The members of the Committee will be chosen from the respective panels by the Secretary to the Committee passing over any persons who have had any direct connection with the case or with the student concerned, and any persons eliminated for reasons shown. Where under the provisions of this Regulation the Chair is not eligible to be a member of the Committee to hear a case, a second member shall be chosen from the staff panel, in which case the selected Committee shall appoint a Chair from among its members.

- 31 (a) The Senate Disciplinary Committee has the power to fine any amount, to order the withdrawal of computing facilities for an appropriate period, to order the withdrawal or withholding, for an appropriate period, of permission to have a motor vehicle on the site, to require the payment of compensation in respect of injury to the person or damage to property, or to suspend or exclude from the whole or a part of University premises the student under the provisions of Ordinance XV (14), or recommend to Council that the student be expelled under the provisions of Ordinance X (22). Before acceding to such a request, the Council shall afford the student an opportunity to be heard. All or part of any fine may be suspended on condition that the student does not commit a further disciplinary offence.
- (b) The Senate Disciplinary Committee may not find against the accused unless at least two of the members present so vote.
- 32 Normally the Senate Disciplinary Committee will proceed by way of an oral hearing for which the student will be given notice in writing of the charge brought against him or her and time to prepare his or her defence. In appropriate cases the Senate Disciplinary Committee may decide to adopt another procedure that will still provide the student with a fair opportunity to meet the case against him/her. Where there is an oral hearing the student will be given a copy of the Rules of Procedure governing the hearing, which will include his or her right to be represented or accompanied, to consider all evidence brought against him or her, to comment on that evidence and to call witnesses or bring other evidence. He or she will be given reasons for the decision and be informed of the right to appeal.

Appeals

- 33 A student may appeal against any conviction, or penalty, or both within seven working days of receipt of written confirmation of the decision by using the disciplinary appeal form
<http://www.nottingham.ac.uk/academicservices/documents/disciplinaryappealform.doc> .
- 34 When a student is convicted of a disciplinary offence by an officer exercising summary jurisdiction, an appeal lies to the Chair of the Senate Disciplinary Committee or a nominee appointed in similar circumstances to those provided for by paragraph 13. The Chair of the Senate Disciplinary Committee may at his or her discretion take advice from any member of the Senate Disciplinary Committee or the University Assessor. Where an appeal is dismissed, the student may refer the matter to the Registrar on the ground only that there has been procedural unfairness in the handling of the appeal to the Chair of the Senate Disciplinary Committee that has resulted in prejudice to the student. If the Registrar is satisfied that there has been such procedural unfairness and prejudice, he may arrange for the appeal to be reconsidered by the Chair of the Senate Disciplinary Committee or remit it to another member of staff for a fresh determination. Subject to this, there is no further right of appeal.
- 35 Appeals against the decisions of the Senate Disciplinary Committee will be to an Appeal Body appointed by the University Council, or a nominee appointed in similar circumstances to those provided for by paragraph 13, and consisting of the President of Council (or nominee as above) and two members of Council selected for each occasion by the President of Council (or his or her deputy) provided that no one who has had any part in the previous proceedings may be a member. The accused may object to any member of the Appeal Committee chosen to hear his or her case on giving reasons for supposing that that member may not be impartial. The chair of the Appeal Committee will rule on the objection. Decisions of the Appeal Committee may be by a majority of the members who vote.

- 36 An appeal against conviction is not an appeal by way of rehearing. Such an appeal may be brought only on one of the following grounds:
- (a) that there is fresh evidence or evidence which was for good cause not presented to the officer exercising summary jurisdiction or the Senate Disciplinary Committee and which in either case might reasonably have resulted in a different decision;
 - (b) that the decision was made in excess of the jurisdiction conferred on the officer or committee;
 - (c) that there was a procedural irregularity that resulted in unfairness to the student;
 - (d) that the decision of the officer or committee was manifestly unreasonable.
- 37 On an appeal against conviction the person or body to whom the appeal lies (the "appellate authority") may:
- (a) allow the appeal and quash the conviction; or
 - (b) dismiss the appeal.
- If the appellate authority quashes the conviction it may in its discretion remit the case for re-hearing by a different officer or committee.
- 38 An appeal against penalty may be brought on the ground that a different penalty should be imposed.
- 39 Appeals will normally be dealt with in writing on the basis of the statements received from the appellant, the officers with summary jurisdiction or the Committee, together with statements of any witnesses and any other evidence. Where the appeal authority considers that it is necessary to take evidence in person they may convene a hearing with the parties to the appeal in order to do so.
- 40 On any appeal against penalty, the appellate authority shall have power to quash or vary the penalty, including power to increase its severity.
- 41 An appeal will suspend, for the duration of the appeal proceedings, the penalty or penalties imposed, except that temporary suspension or exclusion may be put into effect at the discretion of the Vice-Chancellor, the Registrar or the designated Pro-Vice-Chancellor under Ordinance XXIV (2) and any prohibition imposed by a Warden under paragraph 9.3 will remain in force pending the outcome of the appeal.
- 42 Where the penalty determined by a Senate Disciplinary Committee is a recommendation to Council for expulsion, that recommendation will be considered by a Council Appeal Committee as if it were an appeal against penalty in accordance with paragraph 33 above.
- 43 In disciplinary cases the right to appeal to a Council Appeal Committee under paragraph 35 will be in substitution for and not in addition to the right to raise a grievance with the Council Grievance Committee.

Officer of the Independent Adjudicator and Completion of Procedures

- 44 The Office of the Independent Adjudicator ('OIA') operates externally to the University. It will not normally look at a complaint unless and until all relevant internal appeal procedures have been exhausted. Further information is available from the OIA website (<http://www.oiahe.org.uk/>). If there are no further steps of appeal available to the student the University will issue a formal "completion of procedures" letter, under the terms of the OIA scheme. This provides a formal confirmation that the student has exhausted the internal appeals procedures, and is required before a complaint may be considered by the OIA.

Regulations On Weapons

- 1 No weapon may be kept on University property other than in a secure store provided for that purpose. Target rifles and licensed shotguns will be kept in the University armouries by arrangement with the Head of Security and all other weapons to be used in Students' Union clubs and societies will be stored under arrangements made by the Sports Clubs whose activities involve the use of those weapons. Arrangements for these stores must be approved by the Head of Security.
- 2 No weapon may be used on University Property other than at a place approved for that purpose.
- 3 Breach of Regulations 1 or 2 is an offence under the Code of Discipline for Students.
- 4 "Weapon" includes any item made, adapted or intended to cause injury or damage, or any item made to resemble such a weapon together with all firearms and guns (including ball-bearing guns, stun-guns and paint-ball guns) whether powered by air, gas, liquid, or a spring device and the ammunition for such firearms and guns. It includes also all swords, axes, machetes, and knives (other than kitchen knives, pocket knives and knives used in connection with religious observances) and also any longbow, crossbow or harpoon gun.

Items will be deemed to be a weapon whether or not they are fully assembled so as to be capable of operating.