

## CODE OF DISCIPLINE FOR STUDENTS

(Revised 2019)

### 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 effects of their behaviour on others and the reputation of the University.
- 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 by the University.
- 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 President and Vice-Chancellor may suspend any student from attendance at any class or classes and may exclude any student from all or any part of the University, 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, an officer designated by the Registrar, or a Pro-Vice-Chancellor designated by the President and Vice-Chancellor and must be exercised in accordance with procedures approved by Senate.
  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 on University premises 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 It is a breach of this Code ("disciplinary misconduct") intentionally<sup>1</sup> or recklessly<sup>2</sup> (1) to commit an act of misconduct or (2) to fail to act in circumstances where that amounts to misconduct. The essence of misconduct is improper interference, in the broadest sense, with the proper functioning or activities of the University,<sup>3</sup> or those who work or study in the University; or action which otherwise damages the University.
- 8.2 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.
- 8.3 The following are examples of disciplinary misconduct (this list is not exhaustive):
- (1) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University or of a University Society, 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 activity of a University Society 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;

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<sup>1</sup> A student will be taken to intend a result if he or she acts in order to bring it about or he or she thought the result was a virtually certain consequence of his or her action.

<sup>2</sup> A student will be taken to have acted recklessly as to a result where he or she is aware of a risk that it will occur and it is, in all the circumstances known to him or her, unreasonable to take the risk. (It is not sufficient to establish recklessness to show that the student has been negligent or even grossly negligent.)

<sup>3</sup> Where a student is undertaking a course provided at the University of Lincoln, references in Part C of the Code to "the University" shall include references to the University of Lincoln.

- (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) acts or omissions likely to cause injury to health or to 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 (including online harassment or cyber 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; <https://www.nottingham.ac.uk/hr/guidesandsupport/complaintsgrievanceanddignity/dignity/documents/dignity-at-nottingham-policy-update-07-2019.pdf> or the University's Social Media Policy [Add link]
- (9) the possession, use or discharge of any weapon, explosive or detonator or the discharge of any firework except with the prior consent of the Head of Security or 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;  
<https://www.nottingham.ac.uk/governance/documents/freedom-of-speech-2019.pdf>
- (11) damage to, or defacement of, University property or the property of other members of the University community, 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 there has been misconduct 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 (including computer hacking), 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) (a) creating or providing directly or indirectly for a candidate or candidates in any assessment of the University or elsewhere material that constitutes a model or draft intended to meet substantially or wholly the requirements of any exercise in that assessment, and which, in part or in whole, could be submitted without attribution by a candidate in order to meet or to attempt to meet the requirements of the assessment;

- (b) entering into any agreement to act in breach of para 8.4 (15)(a) of this Code;
- (16) conduct which constitutes a criminal offence or other anti-social behaviour, where that conduct:
  - (a) took place on University premises, or
  - (b) affected or concerned other members of the University community, or
  - (c) damages or is likely to damage 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;
- (17) failure to disclose the student's own name and other relevant details concerning that student to a member of the University staff in circumstances when it is reasonable to require that such information be given;
- (18) encouraging or assisting any person to commit disciplinary misconduct against this Code or academic misconduct;
- (19) failure to comply with a previously-imposed penalty under this Code, including a condition applied under paragraphs 15, 24.2 or 31(a)(v) (other than non-payment of a fine, which will be dealt with as a debt to the University).
- (20) 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 of Residence**

- 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 or Deputy 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) 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 misconduct and the Warden or Deputy 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 Deputy Warden (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, or
- (iii) to require a resident member of the Hall to move, temporarily or for the remainder of the semester or session to a different room within the Hall.

Before exercising the power under (i) in respect of another member of the University, or the power under (ii) or (iii), the Warden or Deputy 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 or requirement imposed under the paragraph must be confirmed in writing. Non-compliance with a prohibition without reasonable excuse is misconduct under the Code.

- 9.4 An officer designated by the Registrar (or a person authorised by that officer) is entitled on any reasonable grounds to require a resident member of a Hall to move, either (i) temporarily, pending the outcome of an investigation or of disciplinary proceedings, or (ii) permanently for the remainder of the semester or session, to a different room in any other University accommodation. Before exercising this power, the designated officer 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. The designated officer or authorised person must keep the requirement under review. Any requirement imposed under this paragraph must be confirmed in writing.
- 9.5 A person affected may appeal against a prohibition or requirement under paragraph 9.3 or a requirement under paragraph 9.4 other than as a temporary measure to the Chair of the Senate Disciplinary Committee and against a requirement under paragraph 9.4 imposed as a temporary measure to the Registrar. In all cases the appeals may be brought in accordance with Part D of these regulations relating to appeals. A prohibition or requirement will remain in force pending determination of the appeal.
- 9.6 The University is authorised to make rules regarding conduct and behaviour in a Hall and its surrounding area. These rules must be published to members of the Hall.
- 9.7 Disregard by a resident member of a Hall of a rule made under paragraph 9.6 applicable to that Hall is misconduct under the Code.
- 9.8 Disregard by a person other than a resident member of Hall of a rule under paragraph 9.6 that has been brought to his or her attention is misconduct under the Code.
- 9.9 Disregard by a resident of the terms of the Accommodation Agreement is misconduct under the Code, except the non-payment of any debt, which will be dealt with as a debt to the University.

### **Other Regulations**

- 10 10.1 Further examples of disciplinary misconduct are also to be found in 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
  - (e) Social Media Policy for Students
- 10.2 There are separate procedures governing
- (a) Academic misconduct
  - (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 disciplinary misconduct.

## **D Regulations governing disciplinary procedures**

### **Introduction**

- 11 An allegation of disciplinary misconduct may be dealt with either by an Officer with Summary Jurisdiction or by a Senate Disciplinary Committee.
- 12 An investigation may be conducted by an Officer with Summary Jurisdiction or a person authorised by such an Officer or the University Assessor.
- 13 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. Where a hearing is held, the student is entitled to bring a supporter. The supporter must be an Education Adviser from the SU, a fellow student, a member of University staff, or a Union representative (eg BMA, RCN).
- 14 Disciplinary proceedings should be concluded as quickly as possible, and normally within 90 calendar days of the allegation being made to the student. A decision on an allegation of misconduct should normally be made within 60 calendar days of the allegation being made to the student and a decision on any appeal (including any procedural review by the Registrar) should normally be made within 30 days of the student making the appeal. Where, in exceptional cases, these timescales cannot be met this will be made clear to those involved.

### **Officers with Summary Jurisdiction**

- 15 The following University officers are empowered to deal themselves with allegations of disciplinary misconduct as shown:
- (a) The Pro-Vice-Chancellor for Education and Student Experience:  
disciplinary misconduct under the General Regulations on Conduct and other regulations passed by Senate with the approval of Council
  - (b) The Head of Residential Experience:  
disciplinary misconduct under the General Regulations on Conduct, the Regulations for Halls of Residence and the Regulations on Weapons occurring within the Hall of residence concerned or within its surrounding area
  - (c) Wardens or Deputy Wardens of Halls of Residence:  
disciplinary misconduct under the General Regulations on Conduct, the Regulations for Halls of Residence and the Regulations on Weapons occurring within the Hall of Residence concerned or within its surrounding area
  - (d) Chief Digital Officer:  
disciplinary misconduct under regulations governing use of the University's information services, including the Code of Practice for the Use of the University Computing Facilities
  - (e) The Registrar:  
disciplinary misconduct under the General Regulations on Conduct and other regulations passed by Senate with the approval of Council
  - (f) The Head of Security:  
disciplinary misconduct under the General Regulations on Conduct and disciplinary misconduct under regulations governing the use of cars, motor cycles and other vehicles
  - (g) Director of Libraries, Research and Learning Resources (LRLR):  
disciplinary misconduct under Library Regulations
  - (h) The Conduct and Investigations Manager:  
disciplinary misconduct under the General Regulations on Conduct and disciplinary misconduct under regulations governing the use of cars, motor cycles and other vehicles
  - (i) The Manager for Off-Campus Student Affairs:  
disciplinary misconduct under the General Regulations on Conduct and specified disciplinary misconduct 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. A designated officer may at his or her discretion sit with another member of the University staff acting as an advisor.

- 16 16.1 Subject to paragraph 16.2, the maximum penalty which may be imposed summarily is £250 (except where any lower maximum is specified) for each finding of misconduct 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 further disciplinary misconduct and/or on condition that the student engages with identified services to support and demonstrate rehabilitation. The suspended portion of the fine can only be activated if the student commits further disciplinary misconduct. In these circumstances it is for the Officer with Summary Jurisdiction or Senate Disciplinary Committee dealing with that further misconduct to determine whether the whole or part of that suspended portion should become payable.
- 16.2 The University Assessor has power in a particular case to refer a case of misconduct to an Officer with Summary Jurisdiction on the basis that that Officer will have enhanced powers (1) to fine up to a maximum of £1,500; and (2) to exclude the student from all or part of University premises. Requirements for the exercise of this power are that (1) the student has been charged with disciplinary misconduct; (2) the student intends to plead guilty and does not intend to challenge the factual basis of the finding of misconduct as set out in the particulars of the charge; (3) the University Assessor is satisfied that the misconduct calls for a higher penalty than may be imposed under paragraphs 16.1 and 17.
- 17 Where a student is found to have breached the Code of Discipline by an Officer with Summary Jurisdiction, the Officer may, in addition to any penalty imposed, (1) 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; (2) attach conditions as to the student's future behaviour breach of which will constitute misconduct under the Code.
- 18 In all cases dealt with by an Officer with Summary Jurisdiction, the student will be informed of the case against him or her and given the opportunity to defend him or herself. Where the student is found to have breached the Code of Discipline (or a prohibition imposed by a Pro-Vice-Chancellor under paragraph 17) he or she will be given reasons for the decision and will be informed of the right to appeal against the decision.
- 19 When an allegation of disciplinary misconduct reported to an Officer with 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***

- 20 The University Council will appoint a University Assessor and may appoint one or more Deputy Assessors from the staff of the University.
- 21 21.1 It will be the duty of the University Assessor:
- (a) to make a preliminary investigation of allegations of disciplinary misconduct referred to him or her or arrange for such an investigation to be conducted;
  - (b) to decide whether to recommend that the President and Vice-Chancellor or the Registrar or the designated Pro-Vice-Chancellor should take any steps in accordance with the provisions of paragraph 26.1;



- (c) to decide, in the light of the investigation, whether a case should be dismissed, referred to an appropriate Officer with Summary Jurisdiction, or referred to a Senate Disciplinary Committee; in making this decision the Assessor will consult relevant staff, and will have regard, as appropriate, to relevant guidance and any independent legal advice received;
- (d) when necessary, to prepare and present the case against the student to a Senate Disciplinary Committee.

21.2 Where the student concerned is to be legally represented at a hearing of a Senate Disciplinary Committee, the University may engage a lawyer with the appropriate expertise to present the case for the University in place of the University Assessor or Deputy Assessor.

22 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 Education and Student Experience.

### **Manager for Off-Campus Student Affairs**

- 23 The role of the University's Manager for Off-Campus Student Affairs includes dealing with complaints from residents (including student residents) and others about student conduct and behaviour.
- 24 The Manager will liaise with public authorities in the area and will normally mediate between complainants and students and attempt resolution by agreement between the parties.
- 25 The Manager is an Officer with Summary Jurisdiction. The Manager also has authority to give Directions in writing to students as to their future conduct and behaviour. Failure to conform with such Directions without good reason will be considered misconduct under Section 8.4(20) of the Code of Discipline for Students.

### **Temporary suspension or exclusion and the imposition of temporary conditions**

- 26 26.1 Under the provisions of Ordinance XXIV(2) the President and Vice-Chancellor, the Registrar or the designated Pro-Vice-Chancellor or officer designated by the Registrar 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. Suspensions and exclusions will be kept under review by the Registrar or an officer designated by the Registrar). Breach of a suspension or an exclusion order will be misconduct under the Code. A decision to suspend or exclude will be taken as a last resort, normally when the risk of harm to others (or the student themselves) outweighs the potential disadvantage to the student. A student may appeal by way of written representations against a decision to suspend or exclude. Where the decision is made by the President and Vice-Chancellor, the appeal lies to the President of Council. Where the decision is made by the Registrar or a designated Pro-Vice-Chancellor, the appeal lies to the President and Vice-Chancellor. Where the decision is made by an officer designated by the Registrar, the appeal lies to the Registrar. The decision on such an appeal shall be final. Where an appeal is upheld, a suspension may be lifted and an exclusion order modified or set aside.

26.2 The Head of Security or the Conduct and Investigations Manager may impose conditions not amounting to complete exclusion on 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. The student may appeal against the imposition of a condition to the Registrar, whose decision shall be final. Conditions will be kept under review by the Registrar or an officer designated by the Registrar. Breach of a condition will be misconduct under the Code.

### ***Allegations of criminal offences***

- 27 Where an allegation of disciplinary misconduct would also constitute an offence under the criminal law if proven in a court of law, and the matter is referred to the police, temporary suspension or exclusion in accordance with paragraph 26.1 or action under paragraph 26.2 may be put into effect. The University Assessor will decide whether any further action under the Code of Discipline for Students should be taken or deferred pending any police investigation or prosecution. Normally, further action will not be taken until after the matter has been prosecuted or a decision not to prosecute has been taken. At this time, the University Assessor will 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.
- 28 Where a student is found to have breached the Code of Discipline, and the student has also been cautioned by the police or given a fixed penalty notice or sentenced by a criminal court in respect of the same facts, the caution, notice or sentence shall be taken into consideration in determining the penalty under this Code.

### ***Allegations of sexual misconduct***

- 29 Where the allegations against a student are of sexual misconduct, those allegations will be considered in accordance with the University's Policy on Identifying and Handling Cases of Sexual Misconduct.  
<https://www.nottingham.ac.uk/governance/documents/sexual-misconduct-policy.pdf>

### ***The Senate Disciplinary Committee***

- 30 30.1 Allegations of disciplinary misconduct referred by the University Assessor will be heard by a Senate Disciplinary Committee.
- 30.2 The Senate will appoint a Senate Disciplinary Committee Panel from which staff members of a Senate Disciplinary Committee will be drawn. The Panel will comprise the following:
- A senior member of the University's academic staff appointed by the Senate for a three-year period as Chair of the Senate Disciplinary Committee;
  - A senior member of the University's academic staff appointed by the Senate for a three-year period as Deputy Chair of the Senate Disciplinary Committee;
  - The Faculty Pro-Vice-Chancellors;
  - 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.

30.3 In a case involving an allegation of sexual misconduct, the President and Vice-Chancellor or the designated Pro-Vice-Chancellor may appoint a person who is, or has been, a barrister, solicitor or judge to act as Legal Adviser to the Chair of the Senate Disciplinary Committee convened to hear the case. The Legal Adviser will not be a member of the Committee but will be present during the hearing and during the Committee's deliberations before or after the hearing. The role of the legal adviser will include giving expert advice on legal matters to the Committee. The legal adviser may address parties and ask questions and may, at the request of the Chair, but only in a case where the defendant is legally represented, assume responsibility for presiding over the conduct of that part of the hearing that comprises the questioning of witnesses.

31 A Senate Disciplinary Committee will consist of three members.

One member will be a full-time registered student chosen from a panel of student representatives nominated by the Union of Students, except that there will be no student members if the student concerned so requests.

Two members will be drawn from the Senate Disciplinary Committee Panel. Where the student requests that there will be no student member, the third member will be drawn from the Panel.

In the case of matters arising in a Hall of Residence or other University residence one of the members drawn from the Panel should, if possible, be a Warden of a Hall (or Hall Cluster) other than that where the alleged incident occurred.

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 will be three and a decision to find that there has been a breach of the Code of Discipline may be made by a majority of the Committee. Where a hearing of a Senate Disciplinary Committee is convened, but only two members attend, the Committee will be regarded as validly constituted if the student consents.

The Registrar will appoint a member of staff to act as Secretary to the Committee who will be present during the hearing.

The [Rules of Procedure relating to the Senate Disciplinary Committee hearing](#) should be read in conjunction with paragraphs 30-35.

32 Where the person appointed as Chair of the Senate Disciplinary Committee is a member of a Committee conducting a hearing, he or she will chair the hearing. Where that person is not present, but the Deputy Chair is, that person will chair the hearing. Where neither person is present, the members of the Committee will elect one of their number who is a member of academic staff to chair the hearing.

33 The student concerned may object to any member of the Committee chosen to hear his or her case on giving reasons for supposing that that member may not to be impartial. The validity or otherwise of the objection will be determined by the Chair of the Senate Disciplinary Committee, or by the Registrar where the objection is made to the Chair of the Committee. The test is whether there is a reasonable perception that the member might be biased.

The members of the Committee will be chosen from the respective panels by the Secretary to the Committee passing over any persons who are from the same School as the student concerned or who have had any direct connection with the case or with the student concerned, and any persons eliminated for reasons shown.

- 34 (a) The Senate Disciplinary Committee has the power to impose one or more of the following:
- (i) to fine to any amount;
  - (ii) to order the withdrawal of computing facilities for an appropriate period;
  - (iii) to order the withdrawal or withholding, for an appropriate period, of permission to have a motor vehicle on the site;
  - (iv) to require the payment of compensation in respect of injury to the person or damage to property;
  - (v) to impose conditions breach of which will be misconduct under the Code;
  - (vi) to suspend or exclude from the whole or a part of University premises the student under the provisions of Ordinance XV(14); or
  - (vii) to expel the student.

All or part of any fine may be suspended on condition that the student does not commit further disciplinary misconduct and/or on condition that the student engages with identified services to support and demonstrate rehabilitation. The suspended portion of the fine can only be activated if the student commits further disciplinary misconduct. In these circumstances it is for the Officer with Summary Jurisdiction or Senate Disciplinary Committee dealing with that further misconduct to determine whether the whole or part of that suspended portion should become payable.

- (b) The Senate Disciplinary Committee may not find against the student unless at least two of the members present so vote.
- 35 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 supported, 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**

- 36 A student may appeal against any finding of misconduct, 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.docx>

- 37 When a student is found to have breached the Code of Discipline by an Officer with 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 15. The Chair of the Senate Disciplinary Committee may at his or her discretion take advice from the University Assessor. Where an appeal under paragraph 9.5 or the present paragraph is rejected, the student may refer the matter to the Registrar, within seven working days of receipt of written confirmation of the decision, 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, the Registrar 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.
- 38 Appeals against the decisions of the Senate Disciplinary Committee will be to a Senate Disciplinary Appeal Committee consisting of the Deputy Vice-Chancellor or a Pro-Vice-Chancellor and two staff members the Senate Disciplinary Committee Panel provided that no one who has had any part in the previous proceedings may be a member. The student 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 validity or otherwise of the objection will be determined by the Chair of the Senate Disciplinary Appeal Committee, or by the Registrar where the objection is made to the Chair of the Senate Disciplinary Appeal Committee. Decisions of the Appeal Committee may be by a majority of the members who vote.
- 39 An appeal against a finding of misconduct 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 with 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.
- 40 On an appeal against finding of misconduct the person or body to whom the appeal lies (the "appellate authority") may:
- (a) allow the appeal and quash the finding of misconduct; or
  - (b) dismiss the appeal.
- If the appellate authority quashes the finding of misconduct it may in its discretion remit the case for re-hearing by a different officer or committee.
- 41 An appeal against penalty may be brought on the ground that a different penalty should be imposed.

- 42 Appeals will normally be dealt with in writing on the basis of the statements received from the appellant, the Officer with Summary Jurisdiction or the Senate Disciplinary Committee, together with the information presented in the original proceedings and any new evidence that is admitted under paragraph 39a..Where the appeal authority considers that it is necessary to hold an oral hearing they may convene a hearing with the parties to the appeal in order to do so. In the case of an appeal against a decision of the Senate Disciplinary Committee, the parties for this purpose will be the appellant and the University Assessor (on behalf of the University).
- 40 On any appeal against penalty, the appellate authority shall have power to quash or vary the penalty, including power to increase its severity, or to substitute a different penalty.
- 41 An appeal will suspend, for the duration of the appeal proceedings, the penalty or penalties imposed. Temporary suspension or exclusion may be put into effect at the discretion of the President and Vice-Chancellor, the Registrar or designated officer or the designated Pro-Vice-Chancellor under Ordinance XXIV(2) and any prohibition or requirement imposed under paragraphs 9.3 or 9.4 will remain in force pending the outcome of the appeal.

## **Review**

- 42 Where a member of the University ("A") believes that they have been the victim of misconduct by a student ("B") contrary to the Code of Discipline for Students, and a decision has been taken not to institute disciplinary proceedings against B, or to institute proceedings against B for an allegation of misconduct which in A's view does not properly reflect the seriousness of the matter, A may request the decision to be reviewed. A response to the request should be given within seven working days. Where the decision in question has been taken by an Officer with Summary Jurisdiction, the review will be undertaken by the University Assessor. Where the decision has been taken by or in consultation with the University Assessor, the review will be undertaken by the Registrar. A and B will be invited to make written representations. On a review, the original decision may be confirmed or a new decision substituted. The decision on the review will be final. Any disciplinary proceedings arising from a review should be concluded in accordance with paragraph 14 of this Code.

## **E Office of the Independent Adjudicator and Completion of Procedures**

- 43 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 or review 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 or review 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 appeal or review procedures, and is required before a complaint may be considered by the OIA.

## **Related Policies**

[Policy on Communications with Third Parties](#)

[Unacceptable Behaviour Policy](#)

### **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 misconduct 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