



Regulation 12 – Code of Discipline for Students

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12 Code of Discipline for Students

12.1 General Introduction

This code applies to all enrolled students of the University and any student appealing a decision made under this code.

Where senior staff are identified as having authority and responsibilities under this code, it is expected that they will ensure a suitable deputy is nominated who can act on their behalf should the need arise.

12.1.1 Students are expected:

- To maintain at all times a high standard of personal conduct in their relations with staff, other students and visitors to the University.
- To co-operate with all members of staff, including those responsible for the safety and security of the University and its community.
- To familiarise themselves with the provisions of all the University's regulations.

12.1.2 International students should be aware that the outcome of disciplinary action could affect their existing permission to stay in the UK and, therefore, their ability to complete their programme of study under the terms of their current visa. The University is also required to report a change in a student's enrolment status to the UKVI where the student is subject to UK immigration legislation.

12.1.3 Senate has adopted this Code of Discipline so that there is a proper mechanism, known to all students and accepted by them at enrolment each academic year, for dealing with cases of misconduct.

The essence of misconduct under this Code is; improper interference, in the broadest sense, with;

- the proper functioning or activities of the University,
- those who work or study in the institution, or
- action which otherwise damages the University.

12.1.4 In all proceedings under this Code, procedures will be conducted according to the principles of justice and fairness, but it will not be a requirement to follow procedural rules of evidence applicable in a court of law nor will any particular burden of proof be imposed.

12.1.5 Where the University proposes to take action against a student under this Code the student is entitled to be treated fairly, in particular:

- To be given the opportunity, both orally and in writing, to respond to any charge or charges laid against him or her and to present evidence on his or her behalf.
- To have their case considered impartially by a member of staff or in

serious cases by a Disciplinary Committee, the members of which have no previous involvement in the matters forming the basis for the charge or charges.

- To appeal (within the limits set out in this Code) to the Senate Appeals Committee, via the appropriate appeals form, on grounds set out in Regulation 13.3.

12.1.6 In this Code the following will be the meanings of expressions used:

- Working Day - This will mean Monday to Friday inclusive, excluding public and University holidays.
- Secretary of the Senate Disciplinary Committee - This will be members of the senior administrative staff assigned this duty by the Director of Student Life.

12.2 Definitions of Misconduct

12.2.1 The University recognises two categories of misconduct - Academic and Non-academic misconduct. Appendix A identifies what would constitute misconduct (the list is intended to provide examples only and will not prevent other acts or behaviour from being considered as misconduct).

12.2.2 Any student who assists a fellow student, or student(s), to commit misconduct shall be deemed to have committed misconduct and will be dealt with in accordance with this Code.

12.2.3 Students on certain professionally registered programmes are subject to the University's Fitness to Practice policy and procedures. A Dean of School may decide initially to consider any incident of alleged misconduct which may have a bearing on a student's fitness to practice, or which raise questions about their suitability to be placed on a professional register after qualification, under the University's Fitness to Practice policy.

The Regulations will take precedence over the Fitness to Practice Policy.

12.3 Student suspension

12.3.1 A student who is the subject of an allegation of misconduct and/or against whom a criminal charge is pending and/or who is the subject of police investigation, may be suspended by the Secretary to Senate, their Dean of School (or named nominee) or the Chief Operating Officer pending the outcome of a disciplinary meeting, hearing or trial, or the outcome of the police investigation, as appropriate.

The University appreciates the significant impact this may have on a student's progression or, in the case of international students, on their visa status, but the protection of the University or individuals will take priority.

12.3.2 The suspension of a student may involve:

- A total prohibition on attendance at, or access to, the University and/or its resources and facilities, and on any participation in University or

Students' Association activities; or

- A selective restriction on attendance at, or access to, the University and/or its resources and facilities, and on any participation in University or Students' Association activities; it may also be subject to qualification, such as permission to attend for the purpose of an examination.

The student will be notified in writing of the suspension. The notification will specify the activities from which the student is suspended.

- 12.3.3 An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
- 12.3.4 In taking a decision to suspend a student's studies, it is important to note the requirement to report a change in a student's enrolment status to the UKVI where the student is subject to UK immigration legislation.
- 12.3.5 When a student is suspended, the Authorised Officer who suspended the student (see Reg 12.3.1) will convene and chair an initial 'Suspension Review Committee' to review the suspension. The membership of the committee will be determined by the Chair. Subsequent meetings of the Suspension Review Committee will be convened by the Authorised Officer.
- 12.3.6 The Authorised Officer who suspended the student will ensure that the Suspension Review Committee meets on a regular basis to review the suspension. The Committee will also meet on receipt of evidence from the student on altered circumstances
- 12.3.7 The student will have the right to provide written representation to this committee.

12.4 Misconduct also constituting a criminal offence

- 12.4.1 Where a matter reported for action under this Code may also constitute an offence under the criminal law, the Chief Operating Officer should immediately be notified.

The Chief Operating Officer will then determine how the case will be dealt with under this Code after taking advice from appropriate officers in the University. If the student has been suspended under Reg 12.3.1, this determination should be communicated to the Authorised Officer who suspended the student.

- 12.4.2 For a misconduct case which has also involved a criminal investigation by the police, once the due legal process has been completed, the Suspension Review Committee will decide whether disciplinary action under this Code should be taken in the interests of the well-being and discipline of the University community.

Where a finding of misconduct is made under this Code and the student has also been sentenced by a criminal court in respect of the same facts, the

court's penalty will be taken into consideration in determining the penalty under this Code.

12.5 Authorised Officers

12.5.1 Allegations of misconduct may be reported by a member of University staff, a student, an external examiner, a member of the public or, where a student is on placement or an exchange, by the host institution. The person in receipt of the report must pass on details to the appropriate Authorised Officer.

12.5.2 For alleged misconduct by a UWS Registered student occurring within any area of activity of a Partner Institution, this should be reported to the designated Authorised Officer who will act as the first point of contact for all Academic and non-Academic areas of misconduct.

12.5.3 The members of staff listed below are the Authorised Officers able to refer a case to the Senate Disciplinary Committee.

Area	Authorised Officer	Details
Academic areas	Dean of School	For alleged misconduct occurring within academic areas of activity within the precincts of all UWS campuses, the relevant Dean of School is the named Authorised Officer.

Area	Authorised Officer	Details
Academic plagiarism	Chair of a School Plagiarism Panel	In the case of alleged collusion or plagiarism in assessed coursework, the Chair of a School Plagiarism Panel is the named Authorised Officer.
Professional fitness to practice	See University Policy for addressing professional issues related to Conduct, Competence and Fitness to Practice	The University has a policy which determines the arrangements and sanctions in place in relation to Fitness to Practice for professional awards. The requirements in relation to Fitness to Practice must be made clear to students within programme handbooks. Where there is an alleged misconduct which is also a Fitness to Practice issue, then the Policy will be followed.
Non Academic areas	Chief Operating Officer	The Chief Operating Officer is the Authorised Officer for alleged misconduct occurring in, or relating to: <ul style="list-style-type: none"> • The exams. • The Library. • The use of University IT laboratories, IT open Access Areas, the computer network (including breach of the Code of Conduct for the Use of Software and Datasets and the Acceptable Use Policy) • The residential accommodation. • Any activity elsewhere on University premises

		not covered by this Code.
Outwith the University	Chief Operating Officer	For misconduct outwith university or partner premises which might bring the University into disrepute or for behaviour deemed unacceptable.
Students' Union	Chair of the Students' Association Disciplinary Committee	For alleged misconduct occurring in or relating to the use of Students' Union Premises or any other area under the general control or direction of the Students' Association, the relevant Chair of the Students' Association Disciplinary Committee or the Senior Student Representative, is the named Authorised Officer.
Partner Institution	Senior member of staff at the institution	For alleged misconduct of a UWS student studying at a Partner Institution, there will be a designated Authorised Officer (and deputy) who will act as the first point of contact for all Academic and non-Academic areas of misconduct. They will liaise with the Appeals and Academic Conduct Office in terms of deciding how to deal with any alleged misconduct.

12.6 Disciplinary action by the Secretary to Senate, a Dean of School or the Chief Operating Officer

On receipt of a notification from a member of staff, student or member of the public of an alleged misconduct of a UWS student, the Authorised Officer will:

- a) Decide if the alleged misconduct is serious. If the misconduct is serious the Secretary to Senate, a Dean of School or the Chief Operating Officer may decide to suspend the student (*see Regulation 12.3*).
- b) The Secretary to Senate, Dean of School or Chief Operating Officer will select a School or Professional Support Department member of staff to act as an Investigating Officer for the alleged misconduct case. This investigator will prepare a report of the alleged misconduct and present the report to the Secretary to Senate, Dean or Chief Operating Officer.
- c) If the alleged student misconduct is also part of a criminal investigation the student may be suspended (*in line with Regulation 12.3*). The Authorised Officer will normally delay the decision on how to proceed with any disciplinary case until the criminal investigation is concluded.
- d) If the student is not suspended then on receiving the report from the Investigating Officer the Secretary to Senate, Dean or Chief Operating Officer will either:
 - Refer the case to the Senate Disciplinary Committee for action under Regulation 12.7;
 - Take no further action under this Code. Such a ruling however will not prevent informal action being taken if appropriate.

The student will be informed of the decision by the Authorised Officer.

12.7 The Senate Disciplinary Committee

12.7.1 The Senate Disciplinary Committee will have the constitution, terms of reference and standing orders prescribed in University Regulation 14.

12.7.2 Where a matter of alleged misconduct has been referred to the Senate Disciplinary Committee the procedures noted in Appendix B will be followed.

12.7.3 When determining a proportionate penalty, the Senate Disciplinary Committee will consider the scale and severity of the misconduct and any extenuating circumstances.

12.7.4 The following penalties may be imposed by the Senate Disciplinary Committee if misconduct is found to have taken place:

Penalty	Detail
Reprimand	<ul style="list-style-type: none"> The student can receive a reprimand in the form of an official letter, warning them of the consequences of similar future behaviour. If applicable, a student can also be required to write a formal letter of apology for their behaviour. If the student refuses to apologise for their behaviour, the Senate Disciplinary Committee will have the power to determine an alternative appropriate penalty (see below).
Failure of component of assessment or whole module, without loss of attempt	<ul style="list-style-type: none"> If academic misconduct is found, it is at the discretion of the Committee to decide whether a component(s) of a module or the whole module is failed, and whether there should be loss of attempt. If this penalty were applied, the academic result for the individual component of assessment, or module, affected by the academic misconduct would be reduced to zero and the student would not lose an assessment attempt.
Failure of component of assessment or whole module, with loss of attempt	<ul style="list-style-type: none"> If academic misconduct is found, it is at the discretion of the Committee to decide whether a component(s) of a module or the whole module is failed, and whether there should be loss of attempt. If this penalty were applied, the academic result for the individual component of assessment, or module, affected by the academic misconduct would be reduced to zero and the student would lose an assessment attempt. The student may be permitted the remaining re-assessment opportunities which would normally apply to that component of assessment or module. If the above results in a third and final attempt (Undergraduate) or second and final attempt (Postgraduate) failure of the module in question, the student will have no further attempts at the module and may not be permitted to repeat the module.
Suspension for a specified period	<ul style="list-style-type: none"> The student can be suspended from attending the University or Partner Institution for a period not exceeding one academic session.

Expulsion	<ul style="list-style-type: none"> • The student can be expelled from the University with immediate effect. • It is expected that this penalty will be automatic in the case of a second proven case of misconduct, where both cases have been classified as academic misconduct, or both classified as non-academic misconduct. • This penalty may include a request permanently to deny the student any future rights of application and enrolment to the University. • Where expulsion is imposed on an international student, the University shall report this decision to the UKVI.
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12.7.5 In addition to the penalties noted above, a student can be requested to pay compensation for damage done to the University, Partner Institution or private property, within or out-with the University or Partner Institution premises, without financial limit, to be paid to the Chief Finance Officer.

12.8 Appealing a decision from the Senate Disciplinary Committee

A student can appeal the decision and/or penalty of the Senate Disciplinary Committee to the Senate Appeal Committee. Details on the appeals process are noted in Regulation 13.

12.9 Records and Publication

The Secretary to the Senate Disciplinary Committee will keep a record of disciplinary action taken. All correspondence and notes will be copied to the Appeals and Academic Conduct Office for information and may be disclosed if a reference is requested from the University.

Appendix A - Examples of misconduct

The University recognises two categories of misconduct - Academic and Non-academic misconduct. The list below illustrates what would constitute misconduct (the list is intended to be demonstrative only and will in no way limit or restrict the jurisdiction of the disciplinary process):

A.1 Academic Misconduct

Academic misconduct is defined as any attempt by a student(s) to effect an unfair advantage in any assessment, and may include (though is not limited to):

- a) Plagiarism - Plagiarism is defined in Regulation 7.11.3
- b) Cheating - Cheating is defined in Regulation 7.11.1
- c) Falsification or fabrication of data - This is defined as the misrepresentation of the results of experimental work or the presentation of fictitious results.
- d) Collusion - This is defined as two or more students working together, without the prior authorisation of the Programme Leader, lecturer or supervisor, to produce the same piece of work, and then attempting to present this work as their own.
- e) Bribery - This is defined as the paying, offering or attempted exchange of an inducement for information or material intended to advantage the recipient in an assessment.
- f) Personation - This is defined as a substitute taking the place of a student in an examination, preparing coursework for assessment on behalf of another student, or submitting coursework for assessment that has been prepared by someone other than the student to whom the resulting grade would be attributed.

A.2 Non-Academic Misconduct

An allegation of non-academic misconduct concerning a student's conduct as an enrolled student of the University, may refer to any actions or activities engaged in, or services and facilities enjoyed, as a student of the University, or in the vicinity of any premises owned, leased or managed by the University.

Non-academic misconduct may involve conduct relating to (though not limited to) the following:

- a) Breaches of stated instructions - Conduct involving breaches of stated instructions or regulations issued by the University, associated professional, statutory and/or regulatory bodies, or by authorised members of the University, that prejudice the orderly working of the University and/or contravene the requirements of associated professional, statutory and/or regulatory bodies.

This would also apply to the failure of a student to disclose their name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given.

- c) Bringing the University into disrepute - Conduct that brings or could bring, the reputation of the University, or associated professional, statutory and/or regulatory bodies, into disrepute. Behaviour which brings the University into

disrepute, but not including any behaviour which constitutes the exercise within the law of free expression or academic freedom and is not otherwise included in Appendix A.

- d) Damage to university property - Damage to, or defacement of, University property or the property of other members of the University community, or property of third parties, when engaged in University activities, caused intentionally or recklessly, and misappropriation of such property. This will also include the unauthorised occupation of University land or premises.
- e) Inappropriate Conduct - Conduct including (though not limited to):
- (i) Conduct that endangers the safety or well-being of others. This includes any action likely to cause injury or impair safety on University premises, or in the course of any University activity outwith University premises.
 - (ii) Assault of or threatening behaviour towards any student(s) or member(s) of staff of the University.
 - (iii) 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, including the use of University IT systems while off campus.
 - (iv) Discrimination against or harassment of any student, member of staff or other employee of the University or any authorised visitor to the University on grounds that are protected under current equality legislation and other laws.
 - (v) 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.
 - (vi) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere.
 - (vii) Behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of a student(s) or member(s) of staff or which disrupts or interferes with University processes or procedures.
 - (viii) Misappropriation or misuse of University funds or assets. This includes 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.

- (ix) Attempts to subvert University processes or procedures by means of false claims or fraudulent documents.
- (x) Any misconduct which falls within the 'Unacceptable Use of IT' as noted in the University's IT Acceptable Use Policy.
- (xi) Distributing or publishing material, electronically or otherwise, which is offensive, intimidating, threatening, indecent or illegal or makes them fearful, anxious or apprehensive.
- (xii) Failure to disclose any criminal charges or convictions.
- (xiii) Possession, use, abuse or touting of controlled substances.
- (xiv) Conduct which constitutes a criminal misconduct where that conduct:
 - took place on University premises, or
 - affected or concerned other members of the University community, or
 - damages the good name of the University, or
 - itself constitutes misconduct within the terms of this Code, or
 - is a misconduct of dishonesty, where the student holds an office of responsibility in the University, or
 - where that conduct brings into question issues of professional practice.
- (xv) Failure to comply with a previously-imposed penalty under this Code.

Appendix B - Procedures for each stage of the Disciplinary process

Procedure	Senate Disciplinary Committee
Informing the student(s)	<ul style="list-style-type: none"> • In cases where the alleged misconduct involves more than one student, the Senate Disciplinary Committee may deal with all, or any, of the cases at the same time. • The student will be given at least 10 working days' notice by e-mail (UWS student email account) of the date and time at which the matter will be dealt with by the Senate Disciplinary Committee and will be required to confirm attendance in writing a minimum of 5 Working Days before the date set for the meeting.
Location of the meeting	<ul style="list-style-type: none"> • The meeting of the Senate Disciplinary Committee will usually be held at one of the University's Scottish campuses. • Where a student is unable to attend a particular campus, a video link may be established to enable the student to discuss the case with the Committee.
Prior to the meeting	<ul style="list-style-type: none"> • If a student has any additional support requirements, the student should arrange additional suitable representation at the meeting, e.g. arranging a Signer if they have hearing problems. • The student should inform the Secretary to the Senate Disciplinary Committee at least 5 Working Days before the meeting of the name and status of any representative, or witnesses who will be present. • If the matters giving rise to the alleged misconduct involves consideration of any document or documents, the student will have the opportunity to inspect the document prior to the meeting¹. • If a student wishes to present any documents at the meeting they should ensure that copies of the documents are sent to the Secretary to the Senate Disciplinary Committee at least 5 days prior to the hearing.
Notes of the meeting	<ul style="list-style-type: none"> • The Secretary to the Senate Disciplinary Committee will produce a summary of the proceedings but not otherwise take part in the meeting.
Staff attending the meeting	<ul style="list-style-type: none"> • The University's case against the student will be presented by the relevant Investigating Officer, or their nominee - hereafter referred to as the University's representative. • The Senate Disciplinary Committee has the right to invite any relevant internal/external staff or witnesses to attend the meeting if it is believed their input could aid deliberations.

¹ Personal information, including (for the avoidance of doubt) the names, addresses, and registration numbers of any other students mentioned in the document or documents will not be disclosed in compliance with provisions in current legislation.

Procedure	Senate Disciplinary Committee
Student attending the meeting	<ul style="list-style-type: none"> • A student will be entitled to be accompanied by one person: <ul style="list-style-type: none"> ○ a friend, ○ a relative, ○ a sabbatical officer or student representative or advice worker from the Students' Association. <p>This person should not be a legal representative.</p> • Failure by the student to attend at the time and place specified by the Senate Disciplinary Committee will not prevent the Committee from considering the matter and reaching a decision.
Hearing the case	<ul style="list-style-type: none"> • The University's representative and the student may present such written or oral evidence in support of their case as they wish. • The University's representative and the student may question any of the witnesses present at the hearing. • Any member of the Senate Disciplinary Committee will have the right to question the student, the student representative, any witness called by the student or the University representative in order to seek clarification.
Reaching a decision	<ul style="list-style-type: none"> • The Senate Disciplinary Committee will consider the case and the evidence presented and reach its decision in private. • The Senate Disciplinary Committee will decide whether the misconduct is proven or not proven.
Penalty	<ul style="list-style-type: none"> • If the misconduct is proven the Disciplinary Committee can impose a penalty on the student as detailed in 12.7.4
Communicating the decision	<ul style="list-style-type: none"> • The decision of the Senate Disciplinary Committee and any imposed penalty: <ul style="list-style-type: none"> ○ May be communicated to the student by the Chair (or Vice Chair of the committee) at the meeting, giving reasons for the decision. ○ Will be communicated to the student by the Secretary to the Senate Disciplinary Committee by e-mail within 5 Working Days after the meeting. • The notice communicating the decision and any imposed penalty will give reasons for the decision. • The student will be advised of the right of appeal to the Senate Appeal Committee. • The decision and any imposed penalty, will also be reported to the Subject Panel Chair and/or Progression and Award Board Chair. • Student Administration may at the request of the Subject Panel/PAB Chair be required to alter the student's record to reflect the impact of the Senate Disciplinary Committee's decision on the academic decision made at the Subject Panel and/or Progression and Award Board.