

# Student Behaviour Procedure

## 1. Scope and definition

**1.1** The Student Behaviour Procedure (the Procedure) applies to all students of the University, including registered students, students on interruption of study, suspended students, temporarily excluded students, students who are awaiting an appeal outcome and elected officers of the Students' Union.

**1.2** All students of the University must comply with the Procedure. Students who are members of the Students' Union must also adhere to the Students' Union rules.

**1.3** The following terms are used within this Procedure:

Academic Registrar:	The senior staff member with oversight of academic professional services
Exclusion:	A temporary or permanent removal of the student from the University, issued as a penalty
Investigable Offence:	Behaviour by a student which requires investigation using a University Procedure
Investigating Officer:	Staff member responsible for the investigation of a potential offence
Investigation Report:	The Investigating Officer's report of the investigation
Minor Offence:	An offence which appears to have had a limited impact on the Wider University Community
Major Offence:	An offence which appears to have had a substantial impact on or presented substantial risk to the Wider University Community
Notifier:	Anyone who notifies the University of a concern about a student
Protocol:	A process which is used in multiple University procedures
Suspension:	A temporary removal of a student from the University whilst an investigation is ongoing
University Community:	Students, staff, placement providers, patients, clients, or members of the public visiting/engaging with the University or its partners.

**1.4** This Procedure covers:

- i all student behaviour that takes place on University premises, or where students are representing the University, or where student behaviour may impact upon the wider University Community;

- ii student behaviour including all physical, all verbal and all written actions and communication;
- iii all student behaviour that takes place through electronic media or online where students are identifiable as University students. This includes material published through any social media platform, anonymously or authored.

## **2. University Responsibilities**

**2.1** The University is committed to establishing an inclusive culture free from discrimination and based on dignity, courtesy and respect. In order to uphold these values, the University will ensure that the following responsibilities are met in relation to this Procedure:

- i all students will be treated equally, fairly and transparently and in accordance with the natural rules of justice;
- ii all concerns that are raised will be investigated where it appears that an investigable offence has taken place;
- iii a Notifier will not be disadvantaged unless it is found that the concern has been made frivolously or vexatiously, in which case, disciplinary action may be taken;
- iv students under investigation will be presumed innocent until found otherwise. It is for the University to prove the offence by establishing that the offence was more likely to have happened than not (the balance of probability);
- v the University will consider its duty of care for the safety and wellbeing of the student and the wider University Community. This may involve sharing information with the Police and other authorities in line with legal requirements. Information sharing protocols are available at:  
  
<http://www.cardiff.ac.uk/public-information/policies-and-procedures/data-protection/student-data-protection-notice>
- vi students will be informed of their right to fully participate in any investigation and to seek independent advice, support and/or representation;
- vii sensitive information about students will be handled in accordance with the University's Confidentiality Policy.

## **3. Student Responsibilities**

**3.1** In order to enjoy the benefits of being a member of the University Community, students must fulfil the following responsibilities:

- i to treat all members of the wider University Community with dignity and respect;
- ii to take personal responsibility for their own behaviour as well as the safety of themselves and others within the wider University Community;
- iii to engage fully with reasonable University requests, requirements and opportunities;

- iv to report any police arrest, criminal charge or criminal conviction within 14 calendar days.

#### **4. Investigable Offences**

**4.1** An investigable offence is where a student's behaviour does not meet the requirements of the University. Where this occurs the University will take action. The University will investigate behaviour that appears to be unlawful, unjustifiable, or that may harm the wider University Community or the University's property, activities or reputation. This includes behaviour which disrupts the functioning of the University or Students' Union, or the activities of the wider University Community.

**4.2** Investigable offences include those listed in:

- i the Student Behaviour Procedure;
- ii the Students' Fitness to Practise Procedure;
- iii the rules relating to Libraries, Residences and University IT facilities;
- iv the Procedures of the Students' Union;
- v the Dignity at Work and Study Policy;
- vi Health and Safety procedures;
- vii such other rules as may from time to time be introduced by the University to regulate the conduct of students.

**4.3** The following list of offences is non-exhaustive and provides examples of offences that are likely to be investigated by the University.

#### **4.4 Offences**

- i A student shall not behave in a manner inconsistent with the proper functioning of the University and shall not engage in conduct which may involve an offence against a person; cause a nuisance (e.g. interference with another person's reasonable enjoyment of their own property or of a public place where they are entitled to be); damage, deface, misappropriate or misuse any property including property of the University and the Students' Union; or otherwise behave in a manner likely to bring the University into disrepute or likely to cause offence to others.
- ii A student shall not engage in conduct which disrupts or is likely to disrupt teaching, study, assessment, research, administration or social activities in the University, or which obstructs, or is likely to obstruct any student in pursuit of their studies or person employed by the University or the Students' Union in the performance of their duty, or any visitor to the University.
- iii A student shall not engage in any form of harassment towards other students or members of the University's staff. In this context, harassment may include a student engaging in one or more of the types of conduct specified in 1.3.2 and 1.3.3 above. Harassment consists of behaviour towards another which causes, or which might reasonably be expected to cause, sufficient distress or annoyance to

disrupt seriously the work or substantially to reduce the quality of life of that other, by such means as bullying, verbally or physically abusing, ill-treating or otherwise creating or maintaining a hostile environment for that other, including via the use of social networking sites, other websites or any other forms of electronic media and communication.

- iv A student shall leave any premises of the University or the Students' Union when reasonably required so to do by any person employed by the University or the Students' Union.
- v A student shall not act in such a way as prejudices the freedom of speech of any other student or any member of the University or visitor to the University, or contravene the provisions of the University's Code of Practice thereon.
- vi Unless otherwise authorised, a student shall enrol with the University as instructed at the start of each academic session or, where this is different, in accordance with the enrolment date specified in the student's Programme Information.
- vii A student shall comply with all requirements as to attendance at classes or assessments or submission of work and shall not engage in, or be party to any academically improper or dishonest practice. (Attention is drawn to the University Unfair Practice Procedure.)
- viii A student shall not communicate confidential University information or communicate the contents of a restricted Cardiff University document to anyone outside the University community.
- ix A student shall not impersonate another, or give false information to any person employed by the University or the Students' Union in the course of their duties.
- x A student shall not do anything that is likely to cause injury or impair the safety of others on University premises and shall comply with all requirements as to safety, including any instructions or codes of practice on health and safety issued by the University and/or its Schools.
- xi A student shall not gain or attempt to gain unauthorised access to a computer system, either of, or via those of the University, or modify or attempt to modify without authority computer programs or data in or via University equipment. A student shall not allow another person to use his/her University computing account by sharing passwords or by any other mechanism.
- xii A student shall comply with a reasonable request to meet any person employed by the University or the Students' Union in the performance of his or her duty at his or her place of work within the University premises.
- xiii A student who is absent from the University for more than three consecutive working days during the semester/term or absent from any assessment which he/she is required to take shall comply with the requirements specified within the Senate Student Absence Procedures and, in the case of absence from an assessment, the Senate Assessment Regulations.

- xiv A student shall be required to have a valid University student identity card (ID Card) which shall be carried when on University property and shall be produced when a request is made by any person employed by the University or the Students' Union, and shall surrender the identity card to the University upon ceasing to be a student of the University.
- xv A student shall not purchase, attempt to purchase or order goods or services on behalf of the University, or use University facilities for private purposes without permission.
- xvi A student shall pay all fees and other money owing to the University in accordance with University Financial Regulations. If payment is not received the University may initiate proceedings under the Procedure for Payment of Tuition Fees and Other Monies.
- xvii Where a student is enrolled on a Programme that leads directly to, or that satisfies a necessary condition of, a professional qualification, and/or which gives the right to practise in one or more professions, he/she shall not engage in any conduct which renders him/her unfit to be admitted to and practise that profession or calling.
- xviii A student shall not make publically available inappropriate comments or pictures which may breach the University Dignity at Work and Study Policy and which causes distress offence to an identified member of staff or student on websites by electronic media or by any other means.
- xix A student shall not:
  - sign or confirm attendance for another student on any register in a monitored academic class or activity or commission another person to confirm their attendance;
  - allow another person to use his/her student card.
- xx A student shall not give false information during the application and/or enrolment processes or give false information to any officer employed by the University or the Students' Union or to a placement provider in the course of their duties.
- xxi A student shall not share or publish, via social networking sites, file share programmes or any other means, any material that is provided for the purposes of their learning without the express written consent from the academic member of staff who produced or presented that material. This does not preclude students sharing material with fellow students of the University within the normal parameters of an academic programme.

## **5. Criminal Offences**

- 5.1** The University will comply with its legal obligations and the legal rights of those affected by action taken using this Procedure.
- 5.2** The University will co-operate in any Police enquiry and will report to the Police any matter which appears to constitute a serious criminal offence, or where otherwise the University thinks fit to do so. Where the Police

investigate a potential crime, the University may choose not to undertake its own investigation until any criminal proceedings are completed.

- 5.3** When investigating the impact of criminal convictions, the University will take into account any sentence that has been imposed by the court. If the court finds a student not guilty of a charge, where the offence may have a direct impact on the wider University Community (for example, sexual assault where the alleged victim is also a student of the University), the University reserves the right to investigate the allegation and make a finding of fact based on the balance of probability.
- 5.4** Where applicable, the University also reserves the right to take action following being informed of a student's criminal convictions using other relevant University procedures, for example the Students' Fitness to Practise Procedure.

## **6. Raising a Concern**

- 6.1** Anyone may be a Notifier and notify the University of a concern regarding a student if they believe an offence has taken place. A concern should be raised in a timely way to the Academic Registrar or nominee and include all information and evidence to be considered as part of the concern. By reporting a concern, unless otherwise stated, the Notifier is confirming that the contents of the reported concern can be shared with the student. It will be for the Academic Registrar or nominee to consider whether the concern appears to be an investigable offence.
- 6.2** It is for the Academic Registrar or nominee to confirm under which Procedure a concern will be investigated. A concern may be investigated using this Procedure, or another Procedure of the University or Students' Union. The University and Students' Union may investigate an offence jointly where it prevents multiple investigations, as outlined in the Joint Investigation Protocol.
- 6.3** The University will not investigate personal disputes where the functioning of the University is not disrupted.
- 6.4** During the investigation there may be a need for the Notifier to meet with the Investigating Officer and attend the University Committee as a witness to give evidence. Following the completion of the Procedure, the University will communicate with the Notifier and confirm whether the concern has been found and any action that is taken which impacts upon the Notifier. In line with the Data Protection Act 1998, the Notifier will not be able to receive a full account of the circumstances and all action taken.

## **7. Investigating a Concern**

- 7.1** If a concern requires investigation, the Academic Registrar or nominee will normally appoint an Investigating Officer within 14 calendar days of being notified of the concern. The Investigating Officer will conduct an investigation outside of formal University assessment periods and produce an Investigation Report, as outlined in the Investigation Protocol.
- 7.2** The purpose of the investigation is to investigate the facts and confirm whether an offence has taken place.

## **8. Investigation Outcomes**

- 8.1** The Academic Registrar or nominee will consider the Investigation Report and evidence. If an offence has been found then the seriousness and the impact of an offence will be taken into account in determining whether a minor or major offence has taken place. Following consideration of the report, the Academic Registrar will then take one of the following actions:
- i dismiss the concern and take no further action;
  - ii confirm the concern is a minor offence and impose a suitable penalty;  
or
  - iii confirm the concern appears to be a major offence and should be considered by a University Committee.
- 8.2** Where a minor offence has been found, one or more of the following penalties may be imposed:
- i no further action;
  - ii an informal warning;
  - iii a formal warning for a specified time which will be considered in the event of any future offences;
  - iv a written apology to a specified person or group;
  - v a written reflection on the offence and the impact on the wider University Community;
  - vi required attendance at an educative workshop, the cost to be funded by the student;
  - vii payment for any identified damage caused to University or Students' Union premises or the wider University Community's belongings;
  - viii a behaviour agreement, which if broken will require consideration of both the initial concern and the broken agreement at a University Committee.
- 8.3** Where a major offence has been found, the concern will be considered by a University Committee.
- 8.4** The investigation outcome will be communicated to the student in writing within 7 calendar days of the decision.
- 8.5** A student will have the right to appeal any penalty that has been imposed under Section 8.2. The appeals process is outlined in Section 12.
- 9. University Committee**
- 9.1** Where the Academic Registrar or nominee has confirmed that the concern should be considered by a University Committee, the University Committee will normally be organised within 28 calendar days of this decision.
- 9.2** The University Committee will consist of the following trained members who will have no previous knowledge of the case:

- i a Pro Vice-Chancellor or Head of School, who will Chair the Committee;
  - ii a member of University staff; and
  - iii a full-time elected officer from the Students' Union.
- 9.3** The Academic Registrar or nominee will be the Secretary to the Committee and will be responsible for the arrangements. The Secretary will inform the student of:
  - i the allegation being considered and the alleged offence;
  - ii all of the evidence that will be considered by the Committee; and
  - iii the date, time and venue of the Committee and the right to be accompanied or represented.
- 9.4** The University Committee will take place in line with the Student Committee Protocol.
- 9.5** Following the Committee's consideration of the concern, the Committee will either dismiss the concern or, if it is found that the concern is an offence, may impose any of the following penalties:
  - i any penalty outlined in Section 8.2;
  - ii restrict access to University or Students' Union premises or facilities;
  - iii temporary exclusion from the University;
  - iv permanent exclusion from the University.
- 9.6** The University Committee outcome will be communicated in writing to the student within 7 calendar days of the decision.
- 9.7** A student will have the right to appeal any penalty that has been imposed under Section 9.5. The appeals process is outlined in Section 12.
- 10. Suspension**
- 10.1** The purpose of suspension is to protect the wider University Community, including the student themselves, whilst an investigation or consideration of the investigation is ongoing. Suspension is not automatic nor imposed as a penalty, but is to enable a concern to be investigated and reach a conclusion. Suspension will be used only where it is considered necessary to take this action based on all of the information available at the time of consideration.
- 10.2** The Vice-Chancellor or nominee has the power to suspend a student at any operational point in this Procedure with immediate effect for a period of up to 12 calendar months. The Vice-Chancellor or nominee will consider the risk that the student poses to the wider University Community. The student will be informed of the suspension in writing within 7 calendar days. The correspondence will include the reasons for suspension and the student's right to appeal the suspension, outlined in Section 12.



**10.3** During a suspension, a student will not attend academic teaching. Eligibility and extent of access to University facilities and assessments will be decided at the time of suspension, taking into account the nature of the alleged offence, but may change following a review of the suspension.

**10.4** A suspension will be reviewed at least every 60 calendar days or when new substantive information becomes available, or at the student's request where there is a change of circumstances. The student will be informed of the outcome of any review within 7 calendar days.

## **11. Exclusion**

**11.1** Exclusion is for the purpose of protecting the wider University Community and is never automatic. It will be used only where it is considered necessary to take this action based on all of the information available at the time of consideration.

**11.2** The Vice-Chancellor or nominee has the power to exclude immediately and permanently a student where it is necessary to take this action based on all of the information available at the time of consideration. The Vice-Chancellor may also use this power where the University has grounds to believe that a registered student obtained a place on the basis of false, incorrect or misleading information.

**11.3** In consideration of the case the Vice-Chancellor or nominee will receive:

- i a report from the Investigating Officer (appointed by Academic Registrar) and supporting evidence;
- ii a written statement or evidence from the student (if received);
- iii other appropriate evidence.

**11.4** The student will be informed of the exclusion in writing within 7 calendar days. The communication will include the reasons for exclusion and the student's right to appeal the exclusion within 7 calendar days, as outlined in Section 12.

**11.5** An excluded student will no longer be a registered student of the University.

## **12. Appeals**

**12.1** A student can only appeal on one or both of the following grounds:

- i irregularities in the application of the Procedure;
- ii exceptional circumstances and/or new evidence, relevant to the offence where there is good reason for not previously making this known.

**12.2** Any appeal must be submitted in writing with all evidence attached. The appeal must be received by the Academic Registrar or nominee within 7 calendar days of written confirmation of the decision or, if it is later than 7 calendar days, include exceptional reasons for lateness.

**12.3** Any suspension or exclusion will remain in place whilst the appeal is ongoing. Any other penalty that has been imposed will not be implemented where a student submits an appeal until the consideration of the appeal is completed.

**12.4** A Deputy Vice-Chancellor, Pro Vice-Chancellor or nominee who has had no previous involvement in consideration of the case is required to consider an appeal and disallow any appeal which is based wholly on factors which were known when the penalty was imposed. If the appeal is not disallowed then it will be referred to the Appeal Committee for consideration.

**12.5** The Appeal Committee will consist of the following trained members:

- i the Deputy Vice-Chancellor or a Pro Vice-Chancellor or nominee who shall be Chair;
- ii a member of University staff; and
- iii a full-time elected officer from the Students' Union.

The member of University Staff and full-time elected officer from the Students' Union shall have had no previous involvement in the consideration of the case.

**12.6** The Academic Registrar or nominee will be the Secretary to the Appeal Committee and will be responsible for the arrangements. The Secretary will inform the student of:

- i all of the evidence that will be considered by the Committee; and
- ii the date, time and venue of the Committee and the right to be accompanied or represented.

**12.7** The Appeal Committee will take place in line with the Student Committee Protocol.

**12.8** Following the Committee's consideration of the appeal, the Committee will either uphold the original decision, or impose a new decision. The Appeal Committee's decision will be final.

### **13. Alternative Officers**

The University reserves the right to designate an alternate to any of the Officers named within this Procedure.