



Manchester
Metropolitan
University

Student Code of Conduct



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About this procedure

The Student Code of Conduct outlines the behaviour expected of students on campus, in University accommodation and within the local community.

A. Introduction and Context

1. The University aims to provide all of its students with the support and guidance they need to achieve success. The Student Code of Conduct sets out the standard of conduct the University expects of its students and that it believes is consistent with helping them to undertake their studies in a supportive and non-threatening environment.

2. The Student Code of Conduct comprises:

- the Student Code of Conduct itself (Part B);
- the procedure that the University uses for dealing with alleged breaches of the Student Code of Conduct (Part C);
- appendices that cover the relationship between the Student Code of Conduct and the Law (Appendix I), the Student Code of Conduct and placements (Appendix II), and the University's Student Substance Misuse Policy and Procedure (Appendix III).

3. The Student Code of Conduct does not deal with issues relating to academic misconduct or behaviour, which are addressed in the Student

Disciplinary Regulations. Similarly, the Code does not cover conduct by staff towards students.

4. There are various other University policies and regulations that apply to students and breach of which will, where appropriate, be dealt with as breaches of the Student Code of Conduct under the procedure that is set out in Part C. These regulations and policies include (but are not limited to):

- [Library Rules and Regulations](#);
- [Student Rules and Regulations for the Use of Computing Facilities \(and associated IT Services policies\)](#);
- [Manchester Met Accommodation Terms of Occupancy \(where relevant\)](#).

5. There is also a separate Procedure for the Suspension and Exclusion of Students from Programmes on Grounds of Professional Unsuitability ('the Professional Unsuitability Procedure'), which applies to programmes that include or lead to a professional qualification or that confer practitioner status. Concerns about the professional unsuitability of students should be dealt with under the Professional Unsuitability Procedure, rather than under the Student Code of Conduct. However, if through the operation of

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the procedure in the Student Code of Conduct a student is found to have committed misconduct or serious misconduct, this might constitute a ground for taking action under the Professional Unsuitability Procedure.

6. The University will always seek to act reasonably in dealing with student misconduct. It must also balance the interests of all members of the University community and sometimes of wider communities with whom it has to maintain good relationships. Exceptionally, this might result in action being taken outside of the provisions of the Student Code of Conduct. In such cases, decisions will always be taken by the Registrar, on the basis of such information and advice as s/he considers appropriate, and will be explained to the student.

B. The Student Code of Conduct

1. Behaviour that is expected of students

(i) On campus, and in halls of residence that are managed by the University

The University expects students:

- to behave in a responsible manner that will help to foster mutual respect and understanding between all members of the University community;
- to act within the law and not to engage in any activity or behaviour that is likely to bring the University into disrepute;
- to behave and communicate in ways that do not unreasonably offend others. Examples of unreasonably offensive behaviour include using abusive or obscene language and engaging in any

form of discriminatory or anti-social behaviour;

- to treat with respect everyone with whom they come into contact, whether within the University or outside;
- to treat all University property with respect;
- to comply with requests of members of staff;
- to adhere to the University's Health and Safety policies and to any specific requirements that apply to areas where they work;
- to observe fire alarms and related procedures and evacuate buildings when alarms sound;
- to comply with the University's Non-smoking Policy;
- to provide their Student ID card or other form of identification when asked to do so;
- to dispose of litter responsibly by using bins and recycling collection points located in and around the University;
- to disclose immediately to the University, via the Head of their academic Department, if they are charged with, and/or convicted of, a serious criminal offence.

(ii) Off campus

The University works hard to build good relationships with its local communities. It works with residents' associations, local representatives and the police in order to help make Manchester Met campuses and the surrounding areas safe and friendly environments to live in. In that context, students are expected to:

- help to support these relationships in the way that they conduct themselves in the surrounding area;
- be considerate to their neighbours, especially in relation to noise levels

- and rubbish;
- be considerate when they are parking close to a Manchester Met campus, so that they do not obstruct residents;
- act within the law and not engage in activity or behaviour that is likely to bring the University into disrepute;
- be aware that incidents which adversely affect local residents may lead to police action.

2. Behaviour that will be regarded as misconduct

2.1 The University considers the forms of inappropriate conduct that are set out below to constitute misconduct that is likely to lead to disciplinary action under the Student Code of Conduct. However, the list should not be regarded as exhaustive.

(i) Unacceptable behaviour arising from the consumption of alcohol or other substances.

(ii) The possession or use of illegal drugs.

(iii) Discrimination, harassment, or victimisation of others on the grounds of their age, disability, gender, gender re-assignment, pregnancy, maternity, race, religion, belief, or sexual orientation.

(iv) Failure to respect the rights of others to freedom of speech within the law, as required by s.43 of the Education Act (No.2) 1986.

(v) Disorderly, threatening, bullying, or offensive behaviour or language whilst on University premises, engaged in University activity whether on or off the University's premises, or using University computers or e-mail accounts.

(vi) Any action that is likely to cause injury or impairment of safety on University premises.

(vii) Any behaviour that damages the University's relationship or reputation with its local communities, as evidenced by complaints from residents, residents' groups, local representatives or the police.

(viii) Any behaviour that damages, or that has the potential to damage, the University's relationship or reputation with external organisations and groups.

(ix) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University.

(x) Bullying or harassment of any kind towards a student, a member of staff or a visitor to the University by any means including cyber-bullying, cyber-harassment, or harassment through social media, whether on or off University premises and whether conducted through University or personal equipment.

(xi) Actions that involve making defamatory statements and/or false claims about a member of the University community.

(xii) Any interference with fire detectors, fire alarms or fire extinguishing equipment.

(xiii) Damage to, defacement of, or misappropriation of, University property or the property of other members of the University, whether caused intentionally or recklessly.

(xiv) Misuse or unauthorised use of University premises and property, including computer misuse.

(xv) Breaches of the Library Rules and Regulations that cannot be dealt with by the Head of Library Services.

(xvi) Breaches of the Student Regulations for the Use of University Computing Facilities that are not otherwise specifically covered in the Student Code of Conduct.

(xvii) Breaches of any other codes, policies or regulations adopted by the University or the Students' Union.

(xviii) Recording lectures, other academic sessions or conversations without the agreement of the person(s) involved.

(xix) Failure to disclose details of personal identification to a member of staff of the University in circumstances in which it is reasonable to require that such information be given.

(xx) Breaches of the Terms of Occupancy for halls of residence that are not otherwise covered in (i) to (xix) above.

2.2 The following kinds of behaviour will be treated by the University as serious misconduct, where the disciplinary panel will always consider whether the student should be suspended and/or expelled from the University and/or halls of residence that are managed by the University:

(i) theft, fraud, deceit, deception or dishonesty in relation to the University or its staff and students, or while on University-related activities;

(ii) persistent possession or use of illegal drugs;

(iii) the supply of illegal drugs;

(iv) any unacceptable behaviour that results from the possession, use or supply of illegal drugs;

(v) other behaviour that constitutes a potential criminal offence of relevance to the University or to the student's standing as a member of the University community;

(vi) behaviour that constitutes a potential risk to the health, safety and well-being of staff and students or that creates a legal liability for the University;

(vii) physical violence towards others, or the threat of physical violence;

(viii) behaviour that compromises the reputation of the University.

2.3 In addition, instances of misconduct in the categories that are set out in 2.1 above that are considered by the relevant University officers to have a significant impact on others or on the University generally, or to be persistent and/or repeated over a significant period of time, may be treated as serious misconduct.

2.4 The University has a Student Substance Misuse Policy and Procedure that sets out in more detail its approach to the misuse of drugs and alcohol by students. The Policy and Procedure is included as Appendix III.

C. Procedure for dealing with alleged breaches of the Student Code of Conduct

General

1. Where it is alleged that a student has breached the Student Code of Conduct, the matter shall be dealt with in accordance with one of the

procedures (the Summary Procedure and the Full Procedure) that are set out below. Separate guidelines are available for members of staff who are involved in managing and operating these procedures. In matters relating to halls of residence, penalties that are imposed through the Summary Procedure or the Full Procedure of the Student Code of Conduct cannot over-ride the provisions of the Terms of Occupancy.

Summary Procedure

2. Where a member of staff sees a student engaging in disruptive or anti-social behaviour within the University and this is corroborated by another member of staff, a student, or CCTV evidence, the matter may, at the discretion of the relevant senior member of staff (who will normally be either the student's Head of Department or the Head of a Professional Services Department) and with the agreement of the student, be dealt with under this Summary Procedure.

3. In such cases, the student may:

EITHER:

(i) accept a fixed penalty imposed by the senior member of staff. At the discretion of the senior member of staff, the fixed penalty may comprise:

EITHER:

(a) withdrawal of services and/or of tuition from the student, and/or exclusion of the student from areas of the University that fall within the responsibility of the senior member of staff, for a period of up to 2 weeks ;

OR:

(b) a fine of £50, which must be paid at a University Finance Office within 14 days of the date of the written notification to the student;

AND:

(c) in addition to either (a) or (b) above, a requirement for the student to pay costs in respect of any damages and/or losses suffered by the University and/or by any third parties as a result of the student's action. Such payments must be made within 14 days of the date of the written notification to the student;

OR:

(ii) not accept the fixed penalty, in which case the matter shall be dealt with under the Full Procedure.

4. Students who accept a fixed penalty imposed under the Summary Procedure shall have no right of appeal against that penalty. A copy of the letter to the student recording the outcome of the Summary Procedure shall be placed on the student's personal file. The personal file copy shall be held for the duration of the student's registration with the University and may be referred to in the event that a further disciplinary allegation is made against the student. It should be disposed of when the student has graduated and it should not normally be referred to in references.

Full Procedure

5. The Full Procedure that is set out in sections C.6 to C.36 below shall be followed in all cases that are not dealt with through the Summary Procedure and also in cases where a student is offered a fixed penalty under the Summary Procedure, but decides not to accept it.

Standard of Proof

6. The standard of proof that shall be used in all cases that are dealt with under this procedure shall be the balance of probabilities, which is the standard of proof that is used

in Civil Law. This means that a disciplinary panel will be satisfied that an event occurred if the disciplinary panel considers that, on the evidence available, the occurrence of the event was more likely than not. The standard of proof shall not be varied according to the perceived seriousness of an allegation.

Allegations

7. Allegations of misconduct, whether from another student, a member of staff, or a person who is external to the University, should be made to the relevant senior member of staff, who will normally be the student's Head of Department or, for matters relating to halls of residence only, the Residential Life Manager, a Halls of Residence Manager, an Accommodation and Welfare Officer, or a Residential Life Co-ordinator. Where allegations of misconduct are made to another member of staff, that member of staff should forward them confidentially to the relevant senior member of staff. In all cases, the relevant senior member of staff will decide on the appropriate action to take.

8. A student who wishes to make a complaint about the conduct of another student must use the Student Complaints Procedure. The University discourages the use of anonymous allegations, because transparency is central to the University's values and helps to ensure that complaints can be resolved in an atmosphere of trust, openness and fairness that preserves ongoing relationships.

9. However, it is recognised that in some circumstances, it might not be easy for a student to make a complaint about the conduct of fellow students. Students should be aware that they

can seek guidance from, or talk freely and in confidence to, their Head of Department, the Students' Union Advice Centre, a Student Support Officer or member of the University chaplaincy before taking any action. The University will support any student who makes a complaint in good faith, even if it is subsequently not upheld, and will take disciplinary action against any student or member of staff who intimidates or attempts to disadvantage a student because they have made a complaint.

10. In exceptional circumstances, where an allegation is of a very serious nature and confidentiality may be necessary to begin an investigation, students have access to the [Public Interest Disclosure \(Whistleblowing\) Procedure](#). However, in general, allegations that are made anonymously, whether by students or by other persons, may be given less weight, although they might be considered at the discretion of the University. In exercising this discretion, the factors that will be taken into account will include:

- (i) the gravity of the allegation;
- (ii) the credibility of the allegation;
- (iii) the likelihood of being able to confirm the allegation from alternative credible sources.

In all cases where anonymous allegations are made, advice should be sought from the Deputy Registrar and Academic Secretary.

11. If a student:

- (i) persistently makes allegations outside of the Student Complaints Procedure or the Whistleblowing Procedure;

and/or

- (ii) does not respect the confidentiality of other parties during an investigation;

and/or

- (iii) persistently seeks to publicise allegations about other staff or students that have been resolved or not upheld;

and/or

- (iv) is adjudged to have made malicious or vexatious allegations;

then disciplinary action may be taken against him/her in accordance with the Disciplinary Procedure.

12. If it is necessary in order to balance conflicting but legitimate rights and needs of students and staff and to safeguard the orderly functioning of the institution, the University might wish to take informal action, even where there has been no formal finding of misconduct. In such cases, no disciplinary record will be kept on students' files.

13. The senior member of staff who receives an allegation that a student has breached the Student Code of Conduct may determine that the allegation has no substance and that no action should be taken against the student.

Informal meeting in cases where misconduct is considered to be minor in nature

14. If the senior member of staff who receives an allegation considers that a student has breached the Student Code of Conduct but that the misconduct is minor in nature, he/she may arrange an informal meeting with the student to discuss the matter. The senior member of staff may involve other members of staff as appropriate. The outcome of the meeting shall be recorded in a letter from the senior member of staff

to the student. The letter shall be placed on the student's personal file and may be referred to only if there are further concerns subsequently about the student's conduct. Where the senior member of staff considers that there is substance to the allegation, the letter shall normally include a requirement for the student to give a formal undertaking as to his/her future behaviour and a warning about the possible consequences of any further breach of the Student Code of Conduct. Allegations that are dealt with through an informal meeting should not normally then be referred to a level 1 or level 2 disciplinary panel.

Procedure in cases of misconduct

15. For instances of misconduct that are not dealt with in accordance with the procedure in C.14 above, but that are not considered to be serious misconduct as defined in B.2 above, the senior member of staff who receives the allegation shall normally arrange for an investigation to be conducted. The purpose of the investigation is to enable a decision to be made about whether a sufficient basis exists for referring the matter to a level 1 disciplinary panel. However, where the senior member of staff considers that there is a clear prima facie case, s/he may refer the matter directly to a level 1 disciplinary panel without investigation.

16. Where an investigation takes place, it may be conducted by the senior member of staff, or by another member of staff who is appointed by the senior member of staff to undertake the task. At the end of the investigation, the senior member of staff will determine whether a basis exists for referring the matter to a level 1 disciplinary panel. Where s/he considers that it does, s/he shall arrange for a level 1 disciplinary

panel to be established. Where the allegation is of misconduct in or relating to a hall of residence that is managed by the University, the level 1 disciplinary panel shall be chaired by the Head of Residential Services or nominee and shall also include another eligible member of staff of the University. In all other cases, the level 1 disciplinary panel shall comprise two eligible members of staff of the University, one of whom shall chair the panel.

17. A level 1 disciplinary panel may also be established by a senior member of staff to deal with situations where there is no allegation of misconduct or serious misconduct but where the University is aware that individual students or groups of students are in dispute. The panel will arrange to meet with the students concerned and may impose conditions with a view to resolving or improving the situation. The conditions that are imposed might include an instruction to individuals or groups not to have contact with each other, or not to enter certain University buildings. Unless misconduct or serious misconduct is established, this will not result in a disciplinary record for any of the students, but where conditions that are imposed in this way by a level 1 disciplinary panel are breached, the matter will be treated as a disciplinary offence.

Procedure in cases of serious misconduct

18. In all cases where serious misconduct as defined in B.2 above is alleged, the senior member of staff who receives the allegation shall refer the matter to the Deputy Registrar and Academic Secretary. Except where the Deputy Registrar and Academic Secretary considers there to be a clear prima facie case that can be referred

directly to a level 2 disciplinary panel, s/he shall arrange for an investigation to be conducted. The purpose of the investigation is to enable a decision to be taken about whether a sufficient basis exists for referring the matter to a level 2 disciplinary panel.

19. Where an investigation takes place, it will normally be conducted by the senior member of staff who received the allegation. However, where the Deputy Registrar and Academic Secretary considers that person has been too closely involved in the initial management of the case to be able to conduct an investigation that is likely to be regarded as impartial by all parties, the investigation shall be conducted by another senior member of staff who has had no prior involvement in the case. The Deputy Registrar and Academic Secretary shall receive a report of the investigation and shall determine whether a basis exists for referring the matter to a level 2 disciplinary panel. Where the Deputy Registrar and Academic Secretary concludes that a basis does exist, s/he shall arrange for it to be considered by a level 2 disciplinary panel.

20. The level 2 disciplinary panel shall comprise a chair and two other members. The chair and members for any given meeting of the panel shall be drawn from a list of persons whom it has been agreed may act in this capacity. In all cases, the chair of the panel shall be a Pro-Vice-Chancellor, a Dean of Faculty, an academic Head of Department, or the Director or Head of an administrative or professional services area. One member of the panel shall be a senior member of staff of the University and the other member of the panel shall be a member of the Students' Union Executive. In all cases where an allegation is of serious

misconduct in or relating to a hall of residence that is managed by the University, the Deputy Registrar and Academic Secretary shall ensure that the senior member of staff on the level 2 disciplinary panel has appropriate knowledge and awareness of student residential life.

21. Where serious misconduct is alleged and where one or more of the following conditions is satisfied:

(i) the student's continued presence constitutes a threat to other members of the University community, and/or to themselves, and/or to the University's property;

(ii) the student's behaviour compromises the reputation of the University;

(iii) there is a reasonable suspicion that the student has been supplying illegal drugs;

the student may be suspended immediately from any or all of the University's premises and facilities by:

EITHER:

(i) the Dean of the faculty in which the student is studying or the Director of Facilities (the latter only in cases that relate to behaviour in a hall of residence), with the agreement of either the Deputy Registrar and Academic Secretary or the Director of Faculty SAS;

OR:

(ii) the Deputy Registrar and Academic Secretary or the Director of Faculty SAS;

pending further consideration of their case under this Procedure. Such suspension shall be for a maximum period of 2 weeks.

22. In any case of alleged serious

misconduct, irrespective of whether immediate suspension from any or all of the University's premises and facilities has been imposed under C.21 above, the Deputy Registrar and Academic Secretary may, if he/she considers it necessary in the interests of a student or students or in the interests of the University generally:

EITHER:

(i) recommend to the Registrar that the student continues to attend the University, but that restrictions are imposed on the campuses and/or buildings of the University that the student may visit, the departments and/or services of the University that the student may access, and any staff or students whom the student may contact;

OR:

(ii) make one or both of the following recommendations:

(a) to the Registrar, exceptionally, for the immediate suspension from the University of the student, pending the level 2 disciplinary panel hearing and/or the outcome of any appeal. Alternatively, the suspension may be from particular areas, venues and/or activities.;

(b) if the alleged offence was committed in a hall of residence managed by the University, to the Director of Services, either for the immediate suspension of the student from his/her hall of residence, or for the immediate transfer of the student to other residential accommodation (including another hall of residence that is managed by the University), pending the level 2 disciplinary panel hearing and/or the outcome of any appeal.

Suspensions that are imposed by the Registrar or the Director of Services

under this provision shall be reviewed periodically.

23. Students shall have the right to make representations to the Registrar or the Director of Services on any recommendations that are made under C.22 (ii) (a) and (b) above. The Registrar or Director of Services may either agree to the recommendation made by the Deputy Registrar and Academic Secretary, or make some alternative decision that satisfies the institution's over-riding responsibility to ensure the safety, well-being and good order of the University or hall of residence community. The decisions of the Registrar and the Director of Services on recommendations for suspension from the University and for suspension or transfer from a hall of residence respectively under C.22 (ii) shall be final.

Conduct of disciplinary panels

24. At level 1 disciplinary panel hearings, the senior member of staff who conducted the investigation ('the Investigating Officer') shall present the case to the disciplinary panel. At level 2 disciplinary panel hearings, a senior member of staff of the University who has not otherwise been involved in the process shall normally be appointed by the Deputy Registrar and Academic Secretary to present the case to the panel. The Investigating Officer shall attend the disciplinary panel hearing. Investigating Officers may not be members of disciplinary panels.

25. In all cases that are referred to a level 1 or a level 2 disciplinary panel, the student shall receive a letter that sets out:

- (i) a clear specification of the allegation;
- (ii) the time, date and place of the disciplinary panel hearing;

(iii) their right to be accompanied or represented at the disciplinary panel hearing by a friend or a representative (who should not be a qualified solicitor or barrister or be attending in a legal capacity);

(iv) their right to call witnesses, to question these and other witnesses and to submit documentary evidence;

(v) a copy of any documentation that will be referred to or made use of during the disciplinary panel hearing;

(vi) in the case of a level 2 disciplinary panel hearing, a notice that potential outcomes of the hearing could include suspension or expulsion from the University.

For level 1 disciplinary panel hearings, the letter shall be provided no later than 2 working days before the hearing (or 48 hours before, in the case of allegations of misconduct in halls of residence that are managed by the University). For level 2 disciplinary panel hearings, the letter shall be provided no later than 10 working days before the hearing.

26. If the student admits the allegation, he/she may then proceed to make a statement of mitigation. If the student does not make an admission, no mitigation may subsequently be heard. In all cases where the student does not admit the allegation, he/she shall be given an opportunity to respond to the allegation.

27. At the conclusion of the disciplinary panel hearing, the student, his/her friend or representative, and all witnesses and/or parties to the allegation shall withdraw and the disciplinary panel shall reach a decision. The disciplinary panel shall determine whether or not the student has

committed the alleged offence. If the disciplinary panel determines that the student is guilty, it shall then decide on the appropriate penalty. The decision of the disciplinary panel shall be notified to the student orally in the first instance, and subsequently in writing. The written notification shall include a summary of the reasons for the decision and shall be sent within 10 working days of the hearing.

28. A copy of the letter to the student shall be sent to the Head of the academic Department in which the student is studying and another copy shall be placed on the student's personal file. The personal file copy shall be held for the duration of the student's registration with the University and may be referred to in the event that a further disciplinary allegation is made against the student. It should be disposed of when the student has graduated and it should not normally be referred to in references. There may however be some limited circumstances where disclosure may be justified if the matter is directly relevant to the duty of care which is owed to the recipient of the reference, for instance, where the job applied for requires a high degree of personal integrity or involves particular responsibility. As part of its decision, a panel should rule on the length of time for which the panel decision should remain on the student's file, and the extent to which it should be disclosed in a reference. In cases where panel members feel disclosure may be appropriate they should seek advice from the Legal Department and Head of Graduate School and Student Case Management

Sanctions available to disciplinary panels

29. Where an allegation against

a student is upheld, a disciplinary panel may impose one or more of the sanctions that are set out below.

Level 1 and level 2 disciplinary panels

(i) Either an oral or a written warning, advising of the likely consequences of a further breach of the Student Code of Conduct and requiring the student to given a written undertaking as to his/her future good conduct.

(ii) A requirement to pay costs in respect of any damages and/or losses suffered by the University and/or any third parties as a result of the student's actions. Payment must be made to a University Finance Service Centre within 14 days of the date of the written notification to the student.

(iii) A fine of up to £150 for a level 1 disciplinary panel and of up to £200 for a level 2 disciplinary panel, which must be paid to a University Finance Service Centre within 14 days of the date of the written notification to the student. Fines may be suspended for a period of up to 6 months, during which time they will become payable only if the student does not meet conditions that have been specified by the disciplinary panel. If, at the end of the period, all of the conditions have been met, the fine will be cancelled.

(iv) Withdrawal of specified services and/or exclusion from particular areas of the University, for a period of up to one academic term.

(v) A requirement to undertake up to 10 hours of non-academic work to make restitution for any situation that he/she created or contributed to creating.

(vi) A requirement to participate in a programme identified by the disciplinary

panel to educate students about misconduct and its consequences.
(vii) A restriction on access to facilities or buildings, or contact with staff and/or other students, for a period not exceeding the remainder of the current academic session, provided that this does not prevent the student's academic progress.

(viii) Re-location of the student to similar accommodation, with immediate effect (where the allegation that has been upheld is of misconduct or serious misconduct in or relating to a hall of residence that is managed by the University).

(ix) Termination of the student tenancy by serving such notice on the student as is legally required (where the allegation that has been upheld is of misconduct or serious misconduct in or relating to a hall of residence that is managed by the University).

Level 2 disciplinary panel only

(x) Suspension from the University for a specified period of time, up to and including three academic terms or an equivalent period.

(xi) Expulsion from the University.

Request for Review

30. Students shall have the right to request a review of the finding imposed by a disciplinary panel, on one or more of the following grounds:

(i) that new information has come to light, which calls into question the validity of the conclusion reached by the disciplinary panel;

(ii) that there was a material irregularity in the conduct of the process;

(iii) that the sanction imposed by the disciplinary panel was disproportionate to the offence committed.

31. Requests for reviews must be submitted to the Student Case Management Team in writing within 5 working days of the date of the written notification of the panel decision. Reviews in cases that arise from level 1 disciplinary panel hearings relating to halls of residence shall be dealt with by the Head of Commercial Services. Reviews in all other cases except those where the finding of the disciplinary panel is that the student should be suspended or excluded from the University shall be dealt with by a senior member of staff appointed by the Registrar who has had no previous involvement in the case. Reviews in cases where the finding of the disciplinary panel is that the student should be suspended or excluded from the University shall be dealt with by a Deputy Vice-Chancellor or Pro-Vice Chancellor who has had no previous involvement in the case. Review hearings shall normally be held within 15 working days of the written request being received. The University shall be represented at review hearings by the Investigating Officer.

32. The senior member of staff who reviews the case may reach one of the following conclusions:

(i) to uphold the finding of the disciplinary panel and the sanction(s) imposed;

(ii) to uphold the finding of the disciplinary panel, but to lessen the sanction(s) imposed;

(iv) to refer the case for re-consideration to a new disciplinary panel;

(v) to quash the finding of the disciplinary panel and the sanction(s) imposed.

33. The decision of the senior member of staff on the student's appeal shall be communicated to the student in writing. A copy of the letter shall be sent to the Head of the academic Department in which the student is studying and another copy shall be placed on the student's personal file.

34. If, after the conclusion of any review, the Registrar determines that a student has failed to comply with sanctions that have been imposed on him/her as a result of the operation of this procedure, the Registrar shall have the power to suspend the student from the University until such time as he/she complies.

35. Administrative support for disciplinary panels shall be provided as follows:

(i) for meetings of level 1 and level 2 disciplinary panels that are established to consider allegations of misconduct in halls of residence that are managed by the University: by Student Living;

(ii) for meetings of other level 1 disciplinary panels: by the administrative team that normally provides support to the senior member of staff whose responsibility it is under these procedures to establish the disciplinary panel;

(iii) for meetings of level 2 disciplinary panels that are arranged to consider other kinds of allegation: by the central Student Case Management Team or by the relevant Faculty SAS administration, as agreed in each case between the Deputy Registrar and Academic Secretary and the Director of Faculty

SAS.

36. Once all stages, including the review stage, of this procedure have been exhausted, a Completion of Procedures letter will be issued. A student who considers that the University has not followed and/or applied the Student Code of Conduct and this procedure correctly may then refer the matter to the Office of the Independent Adjudicator for Higher Education, which provides an independent scheme for the review of student complaints.

APPENDIX I

The relationship between the Student Code of Conduct and the Criminal Law

General

1. If an alleged breach of the Student Code of Conduct potentially also constitutes a criminal offence deemed by the Deputy Registrar and Academic Secretary to be serious, an assessment shall be made about whether it is a matter that the University is competent to investigate. In all such cases, the senior member of staff who receives the allegation must consult with the Deputy Registrar and Academic Secretary, who may seek specialist legal and other advice as necessary. The conclusion that is reached in any individual case shall take account of the following considerations:

- whether the nature of the offence is so serious or forensically complex as to be beyond the competence of the University's disciplinary procedures;
- the prevailing cultural and regulatory context within which the University operates;
- whether the Civil Law standard of proof that the University follows is inappropriate to determine the facts of the case.

2. Where the conclusion is that the University is not competent to investigate the matter, the complainant shall normally be advised to report it to the police (if he/she has not already done so) in order to seek a resolution. If the conclusion is that the University is competent to investigate the matter and the University considers it appropriate to do so, it shall be considered in accordance with the normal student disciplinary procedures, whether or not criminal proceedings are also pursued.

Students who are under investigation by the relevant authorities on suspicion of having committed a serious criminal offence

3. Where the University becomes aware that a student is under investigation by the relevant authorities on suspicion of having committed a serious criminal offence, or where it has reason to believe that such an investigation is shortly to begin, the Deputy Registrar and Academic Secretary shall arrange for a risk assessment to be undertaken by members of staff he/she deems appropriate. As part of the risk assessment, consideration shall be given to whether:

- (i) there is a risk of the student re-offending or further offending;
- (ii) there is a risk that the student might harm others or cause damage to property;
- (iii) there is a risk that the student's continued presence may inhibit a proper investigation.

4. On the basis of the risk assessment, the Deputy Registrar and Academic Secretary may:

EITHER:

(i) recommend to the Registrar that the student continues to attend the University and if appropriate that restrictions are imposed on the campuses and/or buildings of the University that the student may visit or the departments and/or services of the University that the student may access;

OR:

(ii) make one or both of the following recommendations:

(a) to the Registrar, exceptionally, for the immediate suspension from the University of the student, pending the

outcome of the criminal justice process; (b) to the Director of Services either for the immediate suspension of the student from his/her hall of residence, or for the immediate transfer of the student to other residential accommodation (including another hall of residence that is managed by the University), pending the outcome of the criminal justice process.

5. Normally, students shall be informed that a risk assessment is being carried out and they shall be given an opportunity to make representations in writing to the Registrar about a recommendation that they should be suspended from the University. However, where the Registrar considers that the circumstances of a case justify the immediate suspension of a student, the student may be invited to make representations to the Registrar after the suspension has been imposed.

6. The Registrar or Director of Services may either agree to the recommendation made by the Deputy Registrar and Academic Secretary, or make some alternative decision that satisfies the institution's over-riding responsibility to ensure the safety, well-being and good order of the University or hall of residence community. The decision of the Registrar or the Director of Services shall be communicated to the student in writing and shall be final.

7. In its management of this process, the University will be mindful of the desirability of facilitating timely progression for students and it will, as far as possible, reach a decision within a timescale that allows this.

Students who are convicted of a criminal offence that results in the imposition of a custodial sentence

8. Where the University becomes aware

that a student has been convicted of a crime of violence that has resulted in the imposition of a custodial sentence, the student shall be expelled from the University. The expulsion shall be communicated to the student in writing by the Registrar. The student shall have no right of appeal and s/he may not be re-admitted to the University at a future date.

9. Where the University becomes aware that a student has been convicted of any other criminal offence that has resulted in the imposition of a custodial sentence, the Deputy Registrar and Academic Secretary shall immediately cancel the student's registration with the University and the student's current enrolment(s). If, at the end of the custodial period of his/her sentence, the student wishes to return to the University, s/he must submit a new application in the normal way. If, at the time the new application is made, the conviction is not deemed to be spent under the Rehabilitation of Offenders Act 1974, the matter will be considered by a Risk Assessment Panel, in accordance with the University's Recruitment and Admissions Policy.

Office of the Independent Adjudicator for Higher Education

10. If all stages of this procedure have been exhausted, a Completion of Procedures letter shall be issued. A student who considers that the University has not followed and/or applied the Student Code of Conduct and this procedure correctly can then refer the matter to the Office of the Independent Adjudicator for Higher Education, which provides an independent scheme for the review of student complaints.

APPENDIX II

The Student Code of Conduct and placements

1. The University requires full disclosure of relevant information in order to arrange placements for students. If a student has a serious, relevant, disciplinary record or a related criminal conviction that is not 'spent', their permission will need to be obtained to disclose that information to potential placement providers, so that the providers can decide whether or not to accept them. Where a student who is in this position does not give permission for such information to be disclosed, the University will be unable to arrange a placement for them.

2. Students who are on placements will be subject to the code of conduct and associated procedures of the placement provider, including the provider's absolute authority to dismiss. Dismissal from a placement for misconduct constitutes either misconduct or serious misconduct under the Student Code of Conduct, because it damages, or has the potential to damage, the University's relationship or reputation with an external organisation.

3. Where dismissal has resulted from a finding of fact made by the placement provider, this will not need to be re-opened by the University. The issue for the University will be the seriousness of the offence. Where the placement provider has not gone through a formal disciplinary process, the University may need to invoke its own disciplinary procedures.

4. If a student engages in pre-placement processes, including recruitment and selection activities for placements, in a way that is

inappropriate or has the potential to damage the University's relationship with the placement provider, the relevant Head of Department may refuse to allow the student to undertake a placement. Where the student is on a programme that includes a placement year, this will result in the student being transferred to a non-placement variant of the programme. Detailed guidance will be provided to students in programme and related handbooks. Requests for reviews of such decisions will be dealt with under the review procedure in the Student Code of Conduct.

APPENDIX III

Student Substance Misuse Policy and Procedure

1. Introduction

1.1. The misuse of alcohol or drugs can have an impact on a student's academic work, mental health, social relationships and physical wellbeing.

1.2. This policy aims to facilitate the early identification of such problems and to encourage students to seek advice, help and assistance voluntarily before their studies are adversely affected. Staff will provide guidance as to where appropriate professional assistance is available. The University will balance disciplinary action and appropriate support for students who misuse these substances.

1.3. Alcohol misuse is defined as:

the habitual or occasional excessive drinking of alcohol by students, whereby:

- (i) their ability to make sound judgements is impaired, or
- (ii) their conduct becomes unacceptable, or
- (iii) they endanger the health and/or safety of others or themselves.

1.4. Drugs misuse is defined as:

- (a) dealing (to students or non-students);
- (b) the taking of illegal drugs;
- (c) the taking of drugs, illicit or otherwise, whereby:

- (i) their ability to make sound judgements is significantly impaired, or
- (ii) their conduct becomes unacceptable, or

(iii) they endanger the health and/or safety of others or themselves

2. Support

2.1. The University regards an individual's dependence on either drugs or alcohol as a health problem. If someone is experiencing difficulties Student Services has information, helpline numbers and a confidential counselling service, some of which are accessible online:

<http://www.mmu.ac.uk/counselling/>

2.2. For those wishing to discuss problems related to their own or another's misuse of drugs or alcohol, advice is available internally through the University from:

- (a) SAS and Services Group
 - (i) Student Information Points (SIPS)
 - (ii) Student Living
 - (iii) Counselling Service
 - (iv) Disability & Welfare Manager
 - (v) Chaplaincy
 - (vi) Student Health Adviser

Details of all these areas can be found on the web at:

<http://www.mmu.ac.uk/sas/student-services/student-support-officers.php>

(b) Students' Union

There will be no unnecessary disclosure of information and confidentiality will be respected when using any of the above services.

Students on a Drug Rehabilitation Programme/Prescription Drugs

We invite students to discuss the implications of this policy in confidence with a senior member of staff if such a student, who can provide the necessary

medical evidence is:

- on a drugs rehabilitation programme which involves Methadone (Class A) or Subutex (Class C); or
- for health reasons, prescribed a substance which is illegal without a prescription and/or have a condition which involves the use of equipment which could be mistaken as 'drug paraphernalia (for instance, syringes)

2.3. Students may wish to seek advice from their Personal Tutor who will not provide direct advice on substance misuse, but can provide guidance as to where professional help is available.

Support is also available external to the University from external organisations such as:

- [\(a\) Addiction Dependency Solutions Manchester \(ADS Manchester\);](#)
- [\(b\) Frank.](#)

3. Behaviour and conduct if under the influence

3.1. Students with an alcohol or drug-related problem may come to the notice of staff or students through a change in their conduct and performance and/or in their academic performance. It is in the interest of any student with a problem to be offered help and guidance at the earliest opportunity. However, a balanced view must be taken with regard to the safety and wellbeing of fellow students and staff, particularly in Halls of Residence. Where it is deemed appropriate, the University will take action and investigate where there is a suspicion (an allegation from a staff member or student) or evidence that a student is using or is in possession of illegal drugs. Such actions may include:

- contacting the student's Programme Office [which may result in the suspension or withdrawal of a student from their studies];
- confiscation of drugs or drug paraphernalia;
- reporting the matter to the Police;
- request the student attend a meeting with Student Living / the Programmes Office to discuss issues of conduct;
- Providing the student a "notice to quit" requesting that the student vacate the property within the prescribed timescales.

3.2. Any student attending University premises or a venue representing the University, under the influence of alcohol or drugs, who is deemed by staff to be disruptive or in breach of Health and Safety regulations or the Student Code of Conduct, will be asked to leave the premises. The staff members in asking a student to leave will make all reasonable efforts to ensure that the student can leave safely to an appropriate place. Attention is particularly drawn to the importance of safe operating practice of dangerous machinery.

4. The Legal Framework

4.1. The use and supply of illegal drugs is a criminal offence in the United Kingdom. The Misuse of Drugs Act (1971) is intended to prevent the use of recreational drugs as well as the non-medicinal use of medicinal drugs.

4.2. Drugs are categorised from Class A to Class C with the latter carrying the lowest penalties. Further information is available on-line:

<http://www.gov.uk/penalties-drug-possession-dealing>

Please note:

- (a) These categories are subject to change
- (b) Criminal conviction for drugs misuse or supply can restrict future career and travel choices.

Whilst consumption of alcohol is not illegal, any resultant inappropriate behaviour may contravene the law.

5. University Consequences

5.1. The University will take appropriate investigatory action in the case of the use, possession or supply of illegal drugs and also in the case of unacceptable behaviour arising from excessive consumption of alcohol and/or drugs. As a consequence, this may lead to disciplinary action or the Student Code of Conduct being invoked, which in turn may lead to a number of actions ranging from a verbal reprimand to a formal written warning, and ultimately to expulsion from the University.

5.2. Outcomes of both informal and formal stages of discipline will include positive support for the students wherever possible.

5.3. It is anticipated that an informal approach will resolve many disciplinary issues resulting from a student's substance misuse, and this will ordinarily be attempted first. When this is possible and the issue is resolved, no record will be kept in a student's file.

5.4. The University has and continues to have excellent relationships with the police in Greater Manchester; regular liaison meetings have established a proactive approach to student welfare issues. Where an informal approach has not been effective or where offences are more serious or repeated, the police

may decide a criminal investigation is necessary, the University will fully support this action or instigate it if appropriate.

5.5. Any person who is not a member of the University found on University premises, possessing or suspected of being involved with illegal drugs will be removed from the premises immediately by Security. Where appropriate the police will be informed and the person concerned may be banned from the University for life. Any member of the University involved in inviting them on to the premises, will be subject to investigatory action which may result in disciplinary action or the Student Code of Conduct being invoked.

5.6. Attention is drawn to the relevant paragraphs referring to substance misuse within the [Halls of Residence terms and conditions for students living in University managed accommodation:](#)

5.7. Students may be immediately suspended or excluded from any of the University's facilities by their Dean of Faculty, by the Director of Facilities or by the Deputy Registrar and Academic Secretary in the following cases:

- (a) where their continued presence constitutes a threat to themselves or others;
- (b) where their behaviour seriously breaches [Our Student Commitment Statement](#) or Student Code of Conduct;
- (c) where their behaviour compromises the reputation of the University;
- (d) where students are found dealing drugs.

6. Implementation and Review of this policy

6.1. The Equality Act 2010 includes a requirement for all Higher Education

Institutions to carry out Impact Assessment on all policies and procedures, both formal and informal and written and unwritten. This procedure will be screened to determine equality relevance for the following equality groups: Race, Gender, Disability, Age, Sexual Orientation and Religion and Belief.

6.2. In order to facilitate the impact assessment process, appropriate records will be kept during any future implementation of this policy.

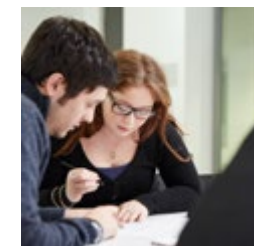
6.3. Information will be collected on gender, ethnic origin, age group, disability, sexual orientation and religion and beliefs for monitoring purposes. The nature of the issues will also be recorded for monitoring purposes. Some confidential monitoring of outcomes will also be recorded to evaluate the impact of the procedure upon University staff.

6.4. The policy and its associated Impact Assessment will be reviewed every 2 years.

Additional Information

This Procedure forms part of the University's regulatory framework. Other institutional Policies and Procedures that relate to Assessment include:

- [Undergraduate Assessment Regulations](#)
- [Taught Postgraduate Assessment Regulations](#)
- [Procedure for Addressing Academic Misconduct](#)
- [Procedure for Consideration of Exceptional Factors](#)
- [Procedure for Academic Appeals and Review of Assessment-Related Matters](#)
- [Student Complaints Procedure](#)
- [Assessment Arrangements for Disabled Students](#)
- [Procedure for the Suspension and Expulsion of Students on the Grounds of Professional Unsuitability](#)



Support and Guidance

Further support and guidance in relation to these Assessment Regulations is available from the following locations:

Assessment Regulations Website
www.mmu.ac.uk/assessment-regulations

Student Hubs
www.mmu.ac.uk/students/hubs

Faculty Student Support Officers
www.mmu.ac.uk/sas/student-services/student-support-officers.php

Students' Union Advice Centre
www.theunionmmu.org/your-advice-centre
Tel: 0161 247 6533
Email: s.u.advice@mmu.ac.uk

