

Proposed Amendment to Student Discipline Regulation 13

Summary

Following work by Pinsent Masons; Guidance for Higher Education Institutions: *How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence* a proposal was submitted to the Operations Board to publish information on managing declarations of student criminal convictions. In response it was agreed that Regulation 13 would be revised to include further clarification on how City will manage disclosures of possible criminal convictions and/ or offences.

A consultation with a group of School representatives was held to discuss the amendments to Regulation 13, specifically paragraph A20, to include information on managing possible student criminal convictions/ offences.

- The draft of the revised section of Regulation 13 was circulated to members of the consultation group and members of Operations Board for comment. Comments relating directly to the wording in section A20 (now A20-A24) of Regulation 13 have been included.
- The amendments have been circulated to the Education & Student Committee who were asked to note the amendments and provide feedback. The paper was received by the Committee and no comments were proposed.
- Academic Governance Committee considered the changes to the Regulation in February 2017 and made some recommendations. The Regulation has been updated taking account of the feedback from Academic Governance Committee who considered the revised version at their April meeting and now recommended to Senate that the Regulation is approved.

One action required.

Recommended Action

Senate is asked to **approve** the proposed amendments to Regulation 13 for 2017/18.

Publication: Open

Proposed amendment to Student Discipline Policy

The current Regulation 13 (Student Discipline) may be found on the University's website via:

http://www.city.ac.uk/_data/assets/pdf_file/0003/285078/Senate_Regulation_13_Student_Discipline-20150708.pdf

Feedback (AGC February 2017) and amendments (agreed by AGC April 2017)

The feedback received provided suggestions for further work, it will be recommended to Ops Board to consider agreement for the following revisions:

- To review and amend the definitions of misconduct under Section A; 7
- To clarify the meanings of suspension and exclusion (in terms of emergency action)

The changes within the whole Regulation has been provided for ease of reading, the amendments and additions are included in red text.

- It would be useful to further clarify at what time the student is required to reveal a conviction.
 - Paragraph 21 has been added. We would expect a student to declare a conviction as soon as possible after conviction, we are currently looking into updating the Terms and Conditions to include a more explicit statement. This will also be included in further information in the Guidance produced.
- It would be helpful to specify whether the proposals were applicable to UK law only or whether it extended internationally.
 - Paragraph 22 has been added. The Act (England and Wales) will be applied to any convictions obtained internationally by applying the corresponding sentence or nearest equivalent. This is based on research of other Universities and companies with similar requirements.
- There would need to be consideration given to how the information is communicated to the students who may not know that they are required to declare minor convictions.
 - Students are informed by the Regulation, Guidance, T&Cs and the information on the website will be updated. **The Students' Union will be involved in further discussion on communication of information.**
- Consideration should be given to whether the regulation would disadvantage anyone
 - An informal Equality Impact Assessment has been conducted on protected characteristics under the Equality Act (2010). As the changes to Regulation affects all groups of students without exception, there is no expected impact on the individual requirements of each of the protected characteristics. Student Voice produce annual reports to Senate which include Disciplinary cases, the reports including break down of demographics and any emerging trends. Therefore, the changes to the Regulation will be monitored in terms of impact and any concerns addressed.

Guidance will be produced to support the amendments, these may include:

- Flow charts
- Further information
- Useful contacts – such as external organisations that can provide support
- Case studies
- Support services within City and how these are accessed

Sophie Cutforth
Student & Academic Services

REGULATION 13
STUDENT DISCIPLINE

Section A: General

1. Senate Regulation 13 covers cases of suspected student non-academic misconduct and academic misconduct (as determined by an appointed Academic Misconduct Panel).
2. The Student Disciplinary Policy outlines City, University of London's approach and agreed principles in relation to managing allegation of student misconduct.
3. City provides guidance to support the use of the City's Policy on Student Discipline and Regulation 13.
4. This Regulation may apply to any student registered on a programme of study leading to an award at City, University of London, including those on work placements, engaged in work-based learning or during periods of approved interruption of studies. Students studying on validated programmes should refer to Appendix A of this Regulation. The disciplinary regulations and policy to be followed for other types of partnership programme will depend on the nature of the partnership; information will be set out in the Memorandum of Agreement and in the student's programme handbook.
5. This Regulation may be applied in cases where the student's registration status is dormant, suspended or excluded. Where a student is de-registered due to non-payment of tuition fees, City may postpone, suspend or terminate actions taken under this Regulation.
6. This Regulation may be applied to a former Student (Alumnus or Alumna). In this case, "the student" is understood to refer to a former student.
7. Misconduct can be defined as improper interference, in the broadest sense, with the proper functioning or activities of City or those who study or work in it, including actions which damage City. Further information on the types of activities which constitute misconduct can be found in the Student Discipline Policy. Specifically, the following is considered to constitute misconduct:
 - a. disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of City, whether on City premises or elsewhere. This will normally be taken to include areas adjacent to such premises and/or premises being used by City for its purposes or any activities under its auspices;
 - b. obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of City or any authorised visitor to City;
 - c. violent, indecent, disorderly, threatening or offensive behaviour or language whilst on City premises or engaged in any City activity;
 - d. bullying or harassment (as defined within the City Bullying & Harassment Policy);
 - e. fraud, deceit, deception or dishonesty in relation to City or its staff or in connection with holding any office in City or in relation to being a student of the City;
 - f. action likely to cause injury or impair safety on City premises;
 - g. breach of the provisions of any of the Codes of Conduct of City or equivalent;
 - h. damage or defacement of City property or the property of other members of the City community, caused intentionally or recklessly, or misappropriation of such property;
 - i. misuse or unauthorised use of City premises or items of property including computer misuse;
 - j. conduct which constitutes a criminal offence where that conduct:
 - took place on City premises, or
 - affected or concerned other members of the City community, or
 - damages the good name of the City, or
 - itself constitutes misconduct within the terms of the Disciplinary regulations, or
 - is an offence of dishonesty, where the student holds an office of responsibility in City;
 - k. behaviour which brings City into disrepute;
 - l. failure to disclose one's name and other relevant details to an officer or employee of City in circumstances when it is reasonable to require that such information be given;

- m. failure to comply with security instructions and procedures;
 - n. failure to comply with a penalty previously imposed under the Disciplinary Regulations or a subsidiary Code of Conduct;
 - o. conduct which constitutes unsuitability for the profession where the student's course of study is linked to a particular profession.
8. Academic misconduct by taught students is defined in Section 5 of City's Assessment Regulations (Senate Regulation 19), with further information provided in the Assessment and Feedback Policy. Academic misconduct by research students is defined in section 8 of the Regulations for Masters Degrees by Research (Senate Regulation 23) and in section 8 of the Regulations for Doctoral Programmes (Senate Regulation 24), with further information provided in City's Assessment and Feedback Policy and the Framework for Good Practice in Research. Cases of academic misconduct which are referred to this Regulation will be referred directly to Stage 2 for consideration.
 9. Complaints relating to an alleged breach of one of the Codes of Conduct outlined in Section B of this Regulation will be first considered under the procedures outlined in the relevant Code of Conduct. Details regarding these Codes of Conduct are outlined under Stage 1 of this Regulation. Other Codes of Conduct may exist at a local level.
 10. Cases of alleged misconduct that fall under one of the City's Codes of Conduct related to a specific service will be referred to the Officer in charge of the Code of Conduct or his/her nominee in the first instance. The accompanying guidance provides further detail regarding the City's Codes of Conduct.
 11. Allegations of misconduct brought by someone other than the alleged victim will normally only be considered if the allegations are supported by the alleged victim.
 12. These internal regulations will be operated in accordance with its Equal Opportunities Statement and Equality and Diversity Objective. When acting in accordance with any stage of this Regulation, the Officer or his/her nominee responsible for overseeing the consideration of the allegations against a student will actively consider any equality and diversity issues which may arise, particularly in relation to City's duties under relevant legislation. Where relevant, advice may be sought from specialist student services in the areas of health and/or disability. City may, where considered necessary and appropriate, take disciplinary action irrespective of the causes of any suspected misconduct. Disciplinary proceedings may be postponed, suspended or discontinued where the overseeing Officer considers there is evidence to demonstrate that the student is for medical reasons unfit to participate in disciplinary proceedings.
 13. Anonymous allegations against students will not normally be investigated. Witness statements may be anonymised before sharing these with the student complained about when this is considered to be in accordance with the City's duty of care.
 14. The Regulations can only be amended after consultation with the Students' Union.
 15. Cases of alleged misconduct will normally be dealt with within three months. The individual responsible for investigating and considering the case will establish appropriate timescales based on its nature and complexity and the progress of any parallel proceedings. These timescales will be communicated to the student and the student kept informed of any changes.

Emergency Action

16. Conduct defined under A7(c), A7(d), A7(f), A7(h), A7(j) of this Regulation are considered to be examples of conduct which could represent immediate, serious and significant threat to their and/or others' personal safety or that of City premises.

17. Where a student's conduct is considered to represent a potential immediate, serious and significant threat to their and/or others' personal safety or that of City premises, the Officer responsible for the consideration of the case may temporarily suspend or exclude a student immediately, subject to approval by the President (or nominee). The case should be referred to Stage 2 of this Regulation.
18. A student may only be suspended or excluded pending consideration by those acting at Stage 2 and in accordance with the principles and definitions set out in Section C. Where temporary immediate suspension or exclusion is applied in advance of a preliminary interview, steps will be taken as soon as is practicable to offer the student an opportunity to respond to the allegation.
19. Where such action is taken the student will be informed, with reasons. The student will be informed that such action does not constitute a sanction and that no finding of guilt has been made.

Possible Criminal offence and/ or convictions

20. Sections A21-A26 do not apply in relation to an admissions application by an individual, this is considered under the Admissions Code of Practice. For programmes that are regulated by Professional, Statutory and Regulatory Bodies students will follow and adhere to the School-level policies with regards to declaring offences and convictions as required by Professional, Statutory and Regulatory Bodies.
21. Students enrolled at City must declare a relevant criminal conviction as soon as reasonably possible after conviction as specified in the associated guidance. It is a student's responsibility to inform and take all necessary steps to communicate with City. A student who is deemed to have purposely withheld information, acted dishonestly or deceitfully in regards to disclosing such information may be liable to action under this Regulation whether or not the conviction/offence is considered under this Regulation. Students are advised to seek advice and support from City Student's Union.
22. Where a conviction or offence occurred outside of Britain and may be spent under the associated national law, it is not automatically considered a spent conviction under the Rehabilitation of Offenders Act 1974 (the Act) as applied to England and Wales. Therefore where a student is convicted outside of Britain, whether the conviction is spent will be calculated according to the Act by regarding the conviction in the same way as the corresponding sentence or nearest equivalent under the Act as applied to England and Wales.
23. Activity by a student which represent possible criminal act(s)/ offence(s)

Where the alleged misconduct may, if proven, constitute a criminal offence, the case must be referred to the President (or nominee). S/he will consider the allegation(s) and may consult with those affected by the alleged misconduct. S/he will determine whether the offence is considered to threaten the reputation of City or to suggest that members of City may be at potential risk:

- if it is considered that either or both of these circumstances is present no action will be taken other than that the student be temporarily suspended or excluded until the matter has been reported to the police and either prosecuted or a decision not to prosecute taken. At this point the President or his/her nominee will decide whether disciplinary action should be taken via Stage 2 of this regulation.
- if it is considered that neither of these circumstances is present the President or his/her nominee will decide whether to take disciplinary action through one of the routes outlined in this Regulation or to delay proceedings pending any police investigation.

City may report any identified potential serious criminal offences to the police for investigation;

it is for the President or his/her nominee to decide what constitutes a potential serious criminal offence and to decide whether less serious offences should be reported. This does not prevent any person from reporting any matter to the police if s/he wishes to do so. In addition to the actions outlined in this section the President (or nominee) may apply temporary suspension or exclusion immediately as per Emergency Action A16-A19.

24. Notification of police investigation and/ or legal proceedings against a student taking place

Where the alleged misconduct is already subject to police investigation or legal proceedings when it is reported to City, the case must be referred to the President (or nominee). They will determine whether the offence is considered to threaten the reputation of City or to suggest that members of City may be at potential risk.

- if either of these circumstances are present the student may be temporarily suspended or excluded until the matter has been concluded by the police or courts. Should it be decided that the alleged misconduct is appropriate for consideration under the Disciplinary procedure, the disciplinary process (at any stage) will be suspended until the criminal investigation and any legal proceedings have been concluded. Students should be advised that interruption of studies is an available option whilst undergoing any police investigation or legal proceedings.
- if the decision has been taken not to proceed to a criminal trial or the student is acquitted of a criminal offence, City may still conduct further investigations and/or instigate disciplinary proceedings in respect of outstanding matters of concern to City that have not been addressed through criminal proceedings.

In addition to the actions outlined in this section the President (or nominee) may apply temporary suspension or exclusion immediately as per Emergency Action A16-A19.

25. A criminal conviction (unspent during any time of registration at City, or recently applied and to be served) which City becomes aware of during the course of a student's registration

Where a student has been convicted of a criminal offence that may constitute misconduct under this Regulation, City may take action under this Regulation.

- A conviction in a criminal court may be taken as conclusive evidence that the offence has occurred and no further investigation shall be required by City unless there are other misconduct allegations not pursued by the police or courts. The focus of any disciplinary process will therefore be on the impact and effect of the conviction and/or on the sanction/s (if any) to be applied.

In addition to the actions outlined in this section the President (or nominee) may apply temporary suspension or exclusion immediately as per Emergency Action A16-A19.

26. Where the decision to pursue disciplinary action is taken in any of the above circumstances the student will be informed with reasons as to which route of the Regulation this action will follow (i.e. Stage 1, allegations relating to a Code of Conduct). Where a student has been temporarily suspended, once the decision is taken to proceed with disciplinary action, the case should be referred to Stage 2 of this Regulation as per A17 once City has received confirmation that any police or legal proceedings have been completed.

B. Stage 1 consideration

1. Cases of alleged misconduct that fall under one of the City's Codes of Conduct related to a specified service will be referred to the Officer in charge of the Code of Conduct or his/her nominee in the first instance. Whilst such a case is being dealt with under a Code of

Conduct, the relevant School Officer should be notified.

2. Cases of alleged misconduct which do not relate to a Code of Conduct, but do relate to conduct which could potentially fall within the definition of misconduct as set out in this Regulation, should be referred to the School Officer nominated by the President or his/her nominee.
3. Where an alleged breach of the Bullying & Harassment Policy occurs and informal resolution is not possible the case should be referred to the School Officer and brought forward under the Disciplinary Regulations.
4. If a case of alleged misconduct may breach standards required by professional, statutory or regulatory bodies (PSRB), the School Officer or his/her nominee will also consider whether it is necessary to inform the PSRB of the matter.

Allegations relating to a Code of Conduct

5. Codes of Conduct will set out procedures to be followed prior to, in addition to, or in place of referral to the Student Discipline Regulations; this will be made clear within the relevant local regulation, procedures, Code or policy. In all other cases, where initial resolution cannot be reached, the Student Discipline Regulations and Policy should be referred to.
6. Complaints relating to an alleged breach of one of the following Codes of Conduct will be first considered under the procedures outlined in the relevant Code of Conduct. These Codes of Conduct include (note: this list is not exhaustive):
 - Library Code of Conduct
 - Information Services User Regulations
 - Fitness to Practice Policy
 - Bullying & Harassment Policy
 - Regulations governing behaviour in the Student's Union.
7. The Officer in charge of the Code of Conduct or his/her nominee will deal with the matter under the Code of Conduct. Actions undertaken by the Officer in charge of the Code of Conduct will normally include:
 - undertake a preliminary investigation to establish the facts regarding the allegation;
 - where the matter may be considered under the Code of Conduct the Officer will proceed. Where the matter is not suitable for consideration under the Code of Conduct the Officer will consider whether the case may represent misconduct (as defined in A6) and if appropriate refer the matter to Stage 1 of Regulation 13;
 - where the allegation is determined to be suitable for consideration under the Code of Conduct, the Officer in charge of the Code will inform the student in writing of the complaint;
 - provide the student with details of the complaint, including copies of any evidence relied on during the course of the investigation;
 - inform the student where information regarding the Code of Conduct, Disciplinary Policy, Regulations and Guidance may be found;
 - inform the student of support and advice available to students via (including, but not limited to) City's Student Services and the Student Union;
 - invite the student to respond verbally or in writing to explain his/her actions and/or apologise
 - arrange to meet with the student, where considered appropriate and practical;
 - where relevant, consider City's duties of care in accordance with City's Equal Opportunities Statement and Equality and Diversity Objective.

The Officer may also consider whether the student would benefit from a referral to

Version 5
Draft amendments for Regulation 13

City's support service(s).

8. The Officer or his/her nominee may take advice from specialist student services at any point prior to, or during, his/her consideration of the case if this is considered to be relevant.
9. The case will be dismissed if it is considered by the Officer in charge of the Code of Conduct or his/her nominee to be unsubstantiated.
10. Where the Officer finds the complaint to be substantiated but the actions available to the Officer responsible for the Code of Conduct are either considered not sufficient, or if the student disputes the case, the matter may be referred to the Officer responsible for Stage 2.
11. The outcome will be confirmed to the student, in writing, normally within 14 calendar days.
12. In all cases, the matter and its outcome will be reported to the School Officer or his/her nominee. If action is taken under the Code of Conduct or if the case is referred to Stage 2, a note will be made on the student's file.
13. Any actions taken under the Code of Conduct will be recorded and reported to the Board of Studies and then to Senate.
14. Where an allegation of misconduct is referred for consideration under Stage 1 or Stage 2, the Officer in charge of the Code of Conduct is expected to produce a report, including the following details:
 - what the misconduct is, and precisely how it may be considered under the definitions of misconduct (A.7)
 - details regarding the alleged misconduct (eg. date(s) of the misconduct, where the misconduct took place, who reported the alleged misconduct)
 - all relevant evidence regarding the allegation
 - what, if any, actions have been taken under the Code of Conduct in response to the alleged misconduct
 - why the actions available under the Code of Conduct are insufficient to deal with the matter.

A copy of this report will be provided to both the student who is the subject of the case and the School Officer or Officer responsible for Stage 2. Further information to support the production of a report is available in the accompanying Guidance.

The alleged victim(s) of misconduct and any others affected by the alleged misconduct will be informed that the matter has been dealt with in accordance with City's Disciplinary Regulation.

Allegations relating to misconduct outside a Code of Conduct

15. Cases of alleged misconduct as defined under Section A which are not suitable for consideration under a Code of Conduct will be referred to the School Officer nominated by the President or his/her nominee.
16. The School Officer will investigate the allegation of misconduct, and will normally be expected to:
 - conduct a preliminary investigation to ascertain the facts regarding the allegation
 - determine whether the matter is suitable for consideration under Stage 1, in which case the School Officer will take the matter forward in accordance with Stage 1. Where the matter would be more appropriate for consideration under a Code of Conduct, and has not yet been considered by the Officer responsible for the relevant Code of Conduct, the matter may be referred for consideration under that Code of Conduct

Version 5
Draft amendments for Regulation 13

- inform the student in writing of the School's receipt of the complaint, and where the matter will be considered under Stage 1 of Regulation 13
 - provide the student with details of the complaint, and specifically how the misconduct is defined in Section A.6, including copies of any evidence relied on during the course of the investigation
 - inform the student where information regarding the Student Charter, Codes of Conduct, Disciplinary Policy, relevant Regulations and Guidance may be found
 - inform the student of support and advice available to students via, but not limited to, City's Student Services and the Student's Union
 - invite the student to submit a response verbally or in writing
 - invite the student to meet the School Officer in person, where considered appropriate and practical
 - consider City's duties of care in accordance with its Equal Opportunities Statement and Equality and Diversity Objective.
17. The School Officer will invite the student to present any mitigation which may be taken into account when considering what actions may be taken
18. The School Officer or his/her nominee may take advice from specialist student services at any point prior to, or during, his/her consideration of the case if this is considered to be relevant.
19. The options available to the School Officer are:
- i. where there is insufficient evidence to support the allegation or that the case is unsubstantiated: the case is rejected and no further action is taken.
 - ii. where the complaint is considered substantiated and the student accepts the allegation against them: the School Officer may then recommend an appropriate remedy or course of action, with specified actions and deadlines. Examples of such remedies or course of actions are outlined in the accompanying Guidance. Any remedy or course of action will be confirmed in writing for the student. Where the student accepts this remedy or course of action, the matter is considered resolved and no further action is taken.
 - iii. where the complaint is considered substantiated and the student accepts the allegation against them, but rejects the remedy or course of action recommended by the School Officer, the matter will be referred directly to Stage 2.
 - iv. where the complaint is considered substantiated and the student accepts the allegation; and, the Officer considers the case to represent potential serious or repeated misconduct, such that action available only at Stage 2 should be considered: the matter will be referred directly to Stage 2.
 - v. where the complaint is considered substantiated but the student disputes the allegation: the allegation is referred to Stage 2 of this Regulation.

Should the student not comply with the remedy or course of action as agreed in ii, the matter may then be referred directly to Stage 2.

Further information about possible remedies or courses of action at this stage is outlined in the accompanying Guidance.

The School Officer may also consider whether the student would benefit from a referral to City's Student Support Service(s).

The outcome of this stage will be confirmed to the student, in writing, normally within 14 calendar days.

The alleged victim(s) of the misconduct and any others affected by the alleged misconduct will be informed that the matter has been dealt with in accordance with City's Disciplinary

Regulation.

20. Where an allegation of misconduct is referred to Stage 2, the School Officer is required to produce a report requesting consideration of the case under Stage 2, including the following:
- what the misconduct is, and precisely how it is defined under Regulation 13
 - details regarding the alleged misconduct (date(s) of the misconduct, where the misconduct took place, who reported the alleged misconduct)
 - all relevant evidence regarding the allegation
 - what actions have been taken under Stage 1 in response to the alleged misconduct
 - why the actions available under Stage 1 are not sufficient to respond to the matter

A copy of this report will be provided to both the student who is the focus of the allegation and the Officer responsible for Stage 2. Further information to support the production of a report is available in the accompanying Guidance.

Stage 2 consideration

General

1. Cases which may be considered under Stage 2 of this Regulation are:
 - cases where the student has been subject to immediate temporary suspension or exclusion pending consideration under Stage 2
 - cases of alleged misconduct not resolved at Stage 1 and referred by the School Officer or Officer responsible for a Code of Conduct
 - cases of academic misconduct that cannot be resolved at the School level in accordance with section 5 of the Assessment Regulations or section 8 of the Regulations for Masters Degrees by Research and section 8 of the Regulations for Doctoral Programmes. Such cases will be put directly before a Disciplinary Panel, without the option of a Preliminary Interview.
2. The Officer responsible for Stage 2 (or nominee), in liaison with the Senior Administrative Officer, will establish appropriate timescales for the investigation and consideration of the case based on its nature and complexity and the progress of any parallel proceedings. This includes the timescales associated with any Disciplinary Panel hearing. These timescales will be communicated to the student and the student kept informed of any changes.

Preliminary Actions

3. Any referral of a case to Stage 2 will be first subject to initial scrutiny by the Senior Administrator supporting Stage 2. The purpose of this initial scrutiny will be to:
 - ensure actions available under the Code of Conduct or Stage 1 have been exhausted
 - all relevant documentation is collated
 - the student has been appropriately informed of the referral.
4. The Senior Administrator may undertake additional investigations where necessary to complete the initial scrutiny. Where the submission does not satisfy the above requirements, the Senior Administrator has the option of referring the case to the previous stage to allow any specific actions to be undertaken.
5. The Officer responsible for Stage 2 (or nominee) has the authority to suspend or exclude a student pending a hearing, in accordance with the definitions set out in section A.15 and A.16 of this Regulation, as a precautionary measure, if this is felt to be necessary to protect City or its members. Where such action is taken the student will be informed, with reasons. The student will also be informed that such action does not constitute a sanction and that no finding

Version 5
Draft amendments for Regulation 13

of guilt has been made. A temporary suspension or exclusion will normally take place after the preliminary interview but may occur beforehand if necessary. Where this is applied in advance of a preliminary interview, steps will be taken as soon as is practicable to offer the student an opportunity to respond to the allegation.

6. The student will be informed of the referral of the case to Stage 2 in writing. Where the case has been referred from a Code of Conduct or Stage 1 of Regulation 13, the student will be provided with a copy of the report submitted with the referral. Where the case has been referred directly to Stage 2 of Regulation 13, the student will be informed of
 - the complaint against them, and precisely how it is defined under City's Regulations (Section A.7 of Regulation 13, or for academic misconduct, Regulation 19)
 - the details of the alleged misconduct (date(s) of the misconduct, where the misconduct took place, who reported the alleged misconduct)
 - what evidence is available in relation to the allegation
 - what, if any, actions have been taken under any City Regulation or Code of Conduct in response to the alleged misconduct
7. The Officer responsible for Stage 2 or his/her nominee will normally, in the first instance, offer the student an interview. The student may be accompanied by one other person of their choice. The student may reject the offer of an interview, in which case, the matter may be referred directly to a Disciplinary Panel. Where the student would like to take up the offer of an interview, but is not able to attend an interview in person, this meeting may be held via telephone (or similar) or in writing, at the discretion of the Officer. The aim of the interview is to provide an opportunity for the Officer or his/her nominee and the student:
 - to ensure the student understands the allegations made against them
 - to ensure the student is aware of City's Student Charter, relevant Regulation and Codes of Conduct
 - to ensure the student is aware of the support and guidance available to them via City Support Services and the Students' Union
 - to consider the student's and City's responsibilities under the Equality Act 2010 where relevant
 - consider whether the student would benefit from a referral to City's Student Support services
 - to resolve the matter if all parties are agreed and the outcome is considered appropriate by the Officer
8. The Officer may refer the matter directly to a Disciplinary Panel. In this case, the student will be informed of this decision with reasons in writing. The accompanying Guidance provides examples of cases where it may be considered appropriate to refer the matter directly to a Disciplinary Panel.
9. Options available to the Officer following a preliminary interview or at any point during the preliminary part of Stage 2 are as follows:
 - i. where the case is considered to be unsubstantiated: the case will be dismissed and no further action will be taken in relation to the matter
 - ii. where the case is considered to be substantiated and the student admits the allegations against them, the Officer or his/her nominee has the ability to invoke any sanction available to the Disciplinary Panel other than expulsion or the retrospective withdrawal of a City award.
 - iii. where the case is considered to be substantiated and the student does not admit the case or does not agree with the penalty suggested by the Officer, or the penalties available to the Officer are considered by them to be insufficient the matter will be referred to a Disciplinary Panel.

10. The outcome of the preliminary interview, with reasons, will be communicated to the student in writing, normally within 14 days.

The alleged victim(s) of the misconduct and any others affected by the alleged misconduct will be informed that the matter has been dealt with in accordance with the Disciplinary Regulation.

11. Any decisions to suspend or exclude a student pending a hearing will be reported to Senate. As appropriate, Senate may say whether the suspension or exclusion will stand, be removed or be reviewed.

Disciplinary Panel

12. The Disciplinary Panel members will be drawn from a list of nominees approved by Senate: the Officer or his/her nominee as Chair, plus an academic staff member and a Students' Union Officer (or nominee). If, following a reasonable search, no student panel member can be found a second academic staff member will be a panel member.
13. The student will be invited to the Panel meeting and may choose to be accompanied by one other person.
14. The Party making the allegation against the student will be invited to attend the Panel meeting.
15. Papers (evidence, etc) to support the consideration of the case will be circulated to the Disciplinary Panel and the student in advance of the Panel meeting.
16. The student may provide a written submission or evidence for the Panel's consideration if s/he wishes. Any submission not made available in advance of the Panel meeting will be accepted by the Panel at the Chair's discretion.
17. If the student chooses not to attend or fails to attend without submitting in writing valid reasons for a postponement the Panel may meet in the student's absence.
18. During the Panel's consideration of the case, where the student is in attendance, the student will be invited to respond verbally to the allegation against them. The Panel will expect to put any questions directly to the student and the student to respond themselves to any questions put to them by the Panel or via the Panel. The student will have an opportunity to respond to the complaint against them, and to respond to any submission made during the hearing by the party bringing the complaint against the student. The student may only have another person speak on their behalf during the Panel meeting with agreement by the Panel. Witnesses may be called by the student, by those bringing the allegation or by the Panel. The student will have an opportunity to present any mitigating circumstances prior to the outcome of the hearing being finalised.
19. Where the Disciplinary Panel finds the allegations unsubstantiated, the case will be dismissed and no further action will be taken.
20. Where the Disciplinary Panel upholds the allegation against the student, the options available to the Panel are:
 - (a) Where the case relates to non-academic misconduct and the allegations are found to be substantiated by the panel, options available are:
 - i. Written warning.
 - ii. Appropriate compensatory action.
 - iii. Fine.
 - iv. Any sanctions listed in the appropriate Code of Conduct.

Version 5
Draft amendments for Regulation 13

- v. Exclusion. This can include selective restriction of:
 - attendance at or access to City;
 - exercise of functions or duties of offices or committees of City;
 - contact with named person(s);
 - privileges associated with City, for example those associated with the Library.
- vi. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment).
- vii. Expulsion from City.
- viii. Retrospective withdrawal of any City awards.

- (b) Where the case relates to academic misconduct and the allegations are found to be substantiated by the panel, options available are:
 - i. Any of the sanctions listed in section 5 of the Assessment Regulations.
 - ii. A fail (0%) for the assessment component or module with the right to remaining resit(s) removed.
 - iii. Any of the sanctions listed in section 5.7. of the Assessment Regulations (and Appendix 3) combined with the ability to reduce or rescind previously gained marks.
 - iv. Any of the sanctions listed in section 8 of the Regulations for Masters Degrees by Research and section 8 of the Regulations for Doctoral Programmes.
 - iv. Any of the sanctions listed in section 8 of the Regulations for Masters Degrees by Research combined with the ability to reduce or rescind previously gained marks if appropriate.
 - vi. Any of the sanctions listed in section 8 of the Regulations for Doctoral Programmes combined with the ability to reduce or rescind previously gained marks if appropriate.

Version 5
Draft amendments for Regulation 13

- vii. Reduced degree classification or award level.
- viii. Exclusion. This can include selective restriction of:
 - attendance at or access to City;
 - exercise of functions or duties of offices or committees of City;
 - contact with named person(s);
 - privileges associated with City, for example those associated with the Library.
- ix. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment).
- x. Expulsion from City.
- xi. Retrospective withdrawal of any City awards.

21. Sanctions can be combined as appropriate and reasonable. The Disciplinary Panel may also consider the period of time for which a sanction will remain effective, if relevant, and whether a review of a sanction should be undertaken at any point.
22. Where a penalty of suspension or exclusion is applied, the Panel will specify what the arrangements will be for the length of the interruption of studies or access to facilities, who the contact will be for the student during the interruption, what the student's registration status is, and their fee status. Consideration should be given to any visa-related issues (for International students). The Panel will confirm what the arrangements will be for the lifting of the student's exclusion or the student's return to studies following suspension.
23. Where a student has been sentenced by a criminal court in respect of the same allegations, the outcome of the criminal proceedings shall be taken into account in determining the sanction. City reserves the right to verify information provided by a student regarding the outcome of criminal proceedings with the relevant public authorities.
24. The outcome of the Disciplinary Panel hearing, with reasons, will be communicated to the student in writing, normally within 14 days of the hearing. The student will be informed of his/her right of appeal.
25. The outcome of the Disciplinary Panel hearing will be recorded and reported to Senate.

C. Appeals against the outcome of Stage 2-level Consideration

General

1. A student may appeal against the outcome of the Stage 2-level consideration of his/her disciplinary case on one or more of the following grounds:
 - i. That there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound; AND/OR
 - ii. That there is additional significant and relevant evidence that, for demonstrable, valid and overriding reasons, could not be submitted previously; AND/OR
 - iii. That the sanction applied at the Stage 2-level was disproportionate in the circumstances.
2. An appeal is not a re-hearing of the case. Dissatisfaction with the outcome of the Stage 2-level consideration alone is not a ground for appeal.
3. An appeal, with appropriate evidence, may be submitted to the President or his/her nominee within 21 days of the written confirmation of the Stage 2-level decision.

Initial scrutiny

4. The receipt of an appeal will normally be acknowledged within 7 days.
5. The appeal will be scrutinised by two members of City staff who have been nominated by the President. The purposes of the initial scrutiny are:

Version 5
Draft amendments for Regulation 13

- to ensure that the appeal documentation has been fully completed and that all relevant evidence has been enclosed; AND
- to reach an initial view on whether sufficient evidence has been provided to merit consideration of a claim on one or more of the grounds for appeal.

6. An appeal may be rejected if the documentation is not complete and/or insufficient evidence has been provided.
7. If there is sufficient evidence to merit consideration of the appeal on one of the grounds set out in this section of these Regulations an Appeal Panel will be established.
8. If there is insufficient evidence to merit consideration of the appeal on any of the grounds set out in this section of these Regulations the appeal will be rejected.
9. The student will be informed of the outcome of the initial scrutiny, normally within 21 days of the acknowledgement being sent. Where an appeal is rejected reasons will be provided.

Appeal Panel

10. An Appeal Panel will normally be convened within 28 days of the outcome of the initial scrutiny. It will comprise the President or his/her nominee as Chair plus an academic staff member and a Students' Union Officer (or nominee). If, following a reasonable search, no student can be found a second academic staff member will be used.
11. The student will be invited to attend the hearing and may choose to be accompanied by one other person. If the student chooses not to attend or fails to attend without submitting in writing valid reasons for a postponement the Appeal Panel may meet in the student's absence.
12. The Appeal Panel will consider the case and make a decision. Options available are:
 - i. to ratify the sanction applied following Stage 2-level consideration.
 - ii. to amend the sanction applied following Stage 2-level consideration.
 - iii. to revoke the sanction applied following Stage 2-level consideration.
 - iv. to refer the case back to the Stage 2 Officer or his/her nominee with commentary, to be reconsidered in the way in which the case was considered originally (either at preliminary interview or by a Disciplinary Panel).
13. The outcome of the Appeal Panel hearing will be provided to the student in writing, normally within 14 days of the hearing.
14. The outcome of the Appeal Panel hearing will be reported to Senate and a record will be retained.

D. The Office of the Independent Adjudicator

When City's internal procedures have been concluded a student will be issued with a Completion of Procedures (CoP) letter. Following this, a student who is dissatisfied with the final decision on his/her case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: <http://www.oiahe.org.uk>

Reapproved as a regulation: **TO BE UPDATED.**

APPENDIX A – Consideration of cases of alleged misconduct by students following a programme of study validated by City.

1. City validates programmes offered at other institutions as leading to awards of City, University of London. City has overarching responsibility for the quality and standards of the academic programmes offered by these institutions. A student on a validated programme may also make use of various City services. In addition, Validated Institutions follow the City's Assessment Regulations, including the procedures to be followed in cases of alleged academic misconduct.
2. Provision is therefore made for the following:
 - a student on a validated programme may appeal against the final decision of a Validated Institution Disciplinary Procedure if the misconduct relates to the programme of study leading to an award made in the City's name.
 - a student on a validated programme may appeal against the final decision of a Validated Institution Disciplinary Procedure if the misconduct relates to an activity that has taken place on City premises.
 - the case of a student on a validated programme who is alleged to have committed academic misconduct maybe considered under the City's Student Discipline Regulations in certain circumstances (see below).
3. If a student on a validated programme is sanctioned for a disciplinary matter that is not concerned with conduct relating to the programme of study leading to an award made in City's name or to an activity that has taken place on City premises, the student is not entitled to appeal to City against the final decision of a Validated Institution Disciplinary Procedure.

A. Treatment of cases of alleged academic misconduct by students on validated programmes

1. Where a student on a validated programme is alleged to have committed academic misconduct, s/he will in the first instance be considered under the Validated Institution's policies and procedures. These policies and procedures will be established in accordance with section 5 of the City's Assessment Regulations.
2. Where the Validated Institution considers that the case is serious enough to warrant a sanction greater than those it is able to recommend, it may ask that the case be dealt with under the City's Regulation 13. The panel may recommend a sanction it considers appropriate for consideration by the Disciplinary Panel. Sanctions the Validated Institution may recommend include any of those listed in section A6 of this Appendix to the Regulations.
3. Where a case is referred by the Validated Institution to City a Disciplinary Panel will be established. This will comprise the Dean of Validation or his/her nominee as Chair, plus two members of staff from the Validated Institution. Appropriate consideration will be given to prevent conflicts of interest in panel members.
4. The student will be invited to the meeting and may choose to be accompanied by one other person. Evidence will be provided to the Disciplinary Panel and the student in advance of the meeting. The student may provide a written response to the evidence provided if s/he wishes.
5. If the student chooses not to attend or fails to attend without submitting in writing valid reasons for a postponement the panel may meet in the student's absence.
6. The Disciplinary Panel will consider the case. Witnesses may be called by the student, by those bringing the allegation or by the Panel. The student will have opportunity to present any mitigating circumstances prior to the outcome of the hearing being finalised.

7. Where the Disciplinary Panel finds the allegations unsubstantiated, no further action will be taken.
8. Where the Disciplinary Panel finds the allegations substantiated, the options available to the Panel are:
 - i. Any of the sanctions listed in section 5.7 of the Assessment Regulations (or Appendix 3).
 - ii. A fail (0%) for the assessment component or module with the right to remaining resit(s) removed.
 - iii. Any of the sanctions listed in section 5 of the Assessment Regulations combined with the ability to reduce or rescind previously gained marks.
 - iv. Reduced degree classification or award level.
 - v. Exclusion. This can include selective restriction of:
 - attendance at or access to City and/or Validated Institution;
 - exercise of functions or duties of offices or committees of City and/or Validated Institution;
 - contact with named person(s);
 - privileges associated with City and/or Validated Institution, for example those associated with the Library.
 - vi. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment).
 - vii. Expulsion.
 - viii. Retrospective withdrawal of City awards.
9. Sanctions can be combined as appropriate and reasonable. The Disciplinary Panel will also consider the period of time for which a sanction will remain effective, if relevant, and whether a review of a sanction should be undertaken at any point.
10. Where a penalty of suspension or exclusion is applied, the Panel will confirm what the arrangements will be for the length of the interruption of studies or access to City or Institution facilities, who the contact will be for the student during the interruption, what the student's registration status is, and their fee status. Consideration should be given to any visa-related issues (for International students). The Panel will confirm what the arrangements will be for the lifting of the student's exclusion or the student's return to studies.
11. Where a student has been sentenced by a criminal court in respect of the same allegations, the outcome of the criminal proceedings shall be taken into account in determining the sanction. City reserves the right to verify information provided by a student regarding the outcome of criminal proceedings with the relevant public authorities.
12. The outcome of the Disciplinary Panel hearing, with reasons, will be communicated to the student in writing, normally within 14 days of the hearing.
13. The outcome of the Disciplinary Panel hearing will be recorded and reported to Senate.
14. The student may appeal against the decision of the Disciplinary Panel in accordance with the appeals procedure laid out in Section B of this Appendix to the Regulations.

B. Appeals against the final decision of a Validated Institution Disciplinary Procedure or against the decision of a Disciplinary Panel

General

1. A student on a validated programme may appeal against the final decision of his/her Validated Institution Disciplinary Procedure if:
 - a) the misconduct related to:

Version 5
Draft amendments for Regulation 13

- i. the programme of study leading to an award made in the City's name; AND/OR
- ii. an activity that has taken place on City premises.

AND

- b) the appeal is made on one or more of the following grounds:
 - i. that there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound; AND/OR
 - ii. that there is additional significant and relevant evidence that, for demonstrable, valid and over-riding reasons, could not be submitted previously; AND/OR
 - iii. that the sanction applied by the Validated Institution was disproportionate in the circumstances.
2. An appeal is not a re-hearing of the case. Dissatisfaction with the outcome of the Validated Institution Disciplinary Procedure is not alone a ground for appeal.
3. Alternatively, a student on a validated programme who has been found guilty of academic misconduct by a Disciplinary Panel in accordance with section A of this Appendix to the Regulations may appeal against the decision of the panel on one or more of the following grounds:
 - i. that there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound; AND/OR
 - ii. that there is additional significant and relevant evidence that, for demonstrable, valid and over-riding reasons, could not be submitted previously; AND/OR
 - iii. that the sanction applied by the panel was disproportionate in the circumstances.
4. An appeal, with appropriate evidence, may be submitted to the Officer nominated by the President or his/her nominee within 21 days of the written confirmation of the Validated Institution decision or within 21 days of the written confirmation of the outcome of the Disciplinary Panel.

Initial scrutiny

5. The receipt of an appeal will normally be acknowledged within 7 days.
6. The appeal will be scrutinised by two members of City staff who have been nominated by the Officer responsible for Stage 2 or his/her nominee. The purposes of the initial scrutiny are:
 - to ensure that the appeal documentation has been fully completed and that all relevant evidence has been enclosed; AND
 - to reach an initial view on whether sufficient evidence has been provided to merit consideration of a claim on one or more of the grounds for appeal.

An appeal may be rejected if the documentation is not complete and/or insufficient evidence has been provided.

7. If there is sufficient evidence to merit consideration of the appeal on one of the grounds set out in section B1a or B1b of this Appendix to the Regulations an Appeal Panel will be established.
8. If there is insufficient evidence to merit consideration of the appeal on any of the grounds set out in section B1a or B1b of this Appendix to the Regulations the appeal will be rejected.
9. The student will be informed of the outcome of the initial scrutiny, normally within 21 days of the acknowledgement being sent. Where an appeal is rejected reasons will be provided.

Appeal Panel

10. An Appeal Panel will normally be convened within 28 days of the outcome of the initial scrutiny. It will comprise the Officer responsible for Stage 2 or his/her nominee as Chair plus a member of City staff and a City student. Appropriate consideration will be given to the need to prevent conflicts of interest in panel members, and panel members should not have been involved in the case previously.
11. Senate will nominate a senior member of City administrative staff, who will not be part of the panel, to attend the hearing.
12. The student will be invited to attend the hearing and may choose to be accompanied by one other person. If the student chooses not to attend or fails to attend without submitting in writing valid reasons for a postponement the panel may meet in the student's absence.
13. The Appeal Panel will consider the case and make a decision. Options available are:
 - i. to ratify the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel.
 - ii. to amend the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel.
 - iii. to revoke the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel.
 - iv. to refer the case back to the Validated Institution or the Disciplinary Panel with commentary.
14. The outcome of the Appeal Panel hearing will be provided to the student in writing, normally within 14 days of the hearing.
15. The outcome of the Appeal Panel hearing will be reported to Senate and a record will be retained.

Office of the Independent Adjudicator

16. When the appeal has been concluded the student will be issued with a Completion of Procedures (CoP) letter. Following this, a student who is dissatisfied with the final decision on his/her case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: www.oiahe.org.uk

Revision to the regulations were approved by Senate in June 2012 to include academic misconduct by research students and in June 2014 to reflect the new Student Charter and Bullying & Harassment policy.

The previous Regulations can be accessed here

http://www.city.ac.uk/data/assets/word_doc/0007/136159/s13-2010.doc

Contact Student & Academic Services for information and advice on these regulations.

Approved by Senate 18.05.16

Approved by Chair's Action (Senate) 24.08.16