

Ordinance XVII

Conduct and Discipline of Students

1. General

(i) It shall be the duty of all students of the University in all their acts and demeanour to observe and maintain honest and peaceable behaviour at all times. All students are required to observe the University's Charter, Statutes, Ordinances, Regulations and Codes of Practice.

(ii) The University defines misconduct as behaviour which, in its broadest sense, constitutes improper interference with the functioning or activities of the University, or those who work and study in the institution. The University may take disciplinary action in relation to behaviour which affects members of the public which is not honest and peaceable and which damages the standing of the institution.

(iii) All students of the University are subject to the jurisdiction of the Vice-Chancellor and the Senate in respect of their studies and their conduct both on and away from University premises.

(iv) The general powers of the Senate set out in Statute XIV(6) (xxii) to regulate the discipline of students are delegated to the Student Discipline Committee. The Student Discipline Committee is responsible for the operation and review of student disciplinary procedures relating to all areas of University activity.

(v) The Student Discipline Committee shall be appointed annually by the Senate and shall have the following constitution:

A minimum of five and a maximum of seven members of the academic or academic-related staff, one of whom shall act as chair

A minimum of five and a maximum of seven lay members of the University Court, of whom at least one shall be a member of Council

Five University members of the Loughborough Students' Union Executive

The six academic or academic-related members of the Student Discipline Committee other than the Chair shall be formally designated Deputy Chairs.

(vi) The Student Discipline Committee shall have the power to fine students for disciplinary offences. These powers are delegated to authorised individuals under section 2 of this Ordinance and to the Student Disciplinary Panel under section 3 of this Ordinance.

(vii) The Academic Registrar shall appoint a member of his/her staff to act as secretary to the Student Discipline Committee.

(viii) The Student Disciplinary Appeals Committee is the body constituted under Statute XXIV to hear appeals and its membership shall be:

A Chair and Deputy Chair who shall be members of the academic or academic-related staff appointed annually by Council

One lay member of the University Court sele

(e) Failure to attend a Hearing of a Student Disciplinary Panel as a witness or defendant if required to do so in writing with reasonable notice.

(xiii) Where the behaviour of a student subject to disciplinary proceedings appears to be indicative of a mental health problem, the procedures may be adjourned to allow the student to seek advice from a medical practitioner or counsellor.

2. Minor Offences

(i) Definition and Jurisdiction

(a) Minor offences include breaches of University regulations which result in some inconvenience to others or lead to limited damage to property. Specific offences are listed in Regulation I Library, Regulation VIII Residence of Undergraduate and Postgraduate Students in the University, Regulation XV Use of University Computing Facilities and Ordinance XXIII Traffic and Parking in the University. Other offences which represent misconduct as defined in section 1 of this Ordinance may also be considered as Minor Offences.

(b) A student who has been found guilty of a series of Minor Offences may be referred for action under the Major Offences procedures if he/she commits a further Minor Offence.

(c) The following University officers are authorised to consider charges of Minor Offences against students and to levy penalties as specified in paragraph 2(iii) below:

- The Librarian in respect of breaches of Regulation I governing the Library
- The Wardens of Halls of Residence in respect of breaches in Regulation VIII governing the Residence of Undergraduate and Postgraduate Students in the University
- The Director of Computing Services in respect of breaches of Regulation XV governing use of University computing facilities
- The Security Manager in respect of breaches of Ordinance XXIII Traffic and Parking in the University, the Code of Practice on Traffic and Parking in the

authorised officers listed above or to the Registrar in the first instance depending on the nature of the offence.

(b) If the case is reported to an authorised officer, the officer shall investigate the matter and decide whether any action should be taken and if so whether that action should be under the procedures for Minor Offences. If an authorised officer considers the incident to constitute a Major Offence, he/she shall consult with the Registrar to determine the action to be taken.

(c) If the case is reported to the Registrar, the Registrar shall decide whether no action should be taken, whether the matter may constitute a Minor Offence and should be referred for action by the appropriate authorised officer, or be referred for consideration under the Major Offences procedure set out in section 3 of this Ordinance.

(d) A student shall be notified in writing of an alleged Minor Offence and the evidence against him/her by the relevant officer. He/she shall be invited to admit or deny the offence and be permitted to defend himself/herself in writing and in person to the officer. The student may be accompanied at any meeting with the officer by a person of his/her own choosing. The student should submit his/her written defence, if any, together with the name and status of any

Action likely to cause significant injury or impairment of safety on University premises

Serious disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University

Harassment of any kind towards a student, member of staff or authorised visitor to the University

Serious damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property

Serious misuse or unauthorised use of University premises and property, including computer misuse

Failure to respect the rights of others to freedom of belief and freedom of

(c) In the event of the student admitting the charge, the procedure shall be as follows: -

(i) A Hearing shall normally take place within a further ten working days. The Panel shall comprise any three members of the Student Discipline Committee, nominated by the Academic Registrar, provided that one is a student member.

(ii) The Registrar (or nominee) shall prepare and present a short statement for the Panel.

(iii) The student shall be invited to make a brief response.

(d)

(i) In the event of the student denying the charge, or failing to respond to the Registrar (or nominee) within five working days, the student shall receive at least twenty working days' written notification of a Student Disciplinary Panel. The notification shall include a reiteration of the nature of the charge, together with the evidence for the charge including witness statements, a copy of this Ordinance, the date and time of the meeting of the Panel together with details of the Panel membership.

(ii) The student has the following rights:

To submit written evidence

To attend the meeting in person and present his/her case

To be accompanied by an individual of his/her choosing who may present the case on his/her behalf

To call witnesses for questioning at the meeting and to question the University's witnesses

(iii) The student shall submit any written evidence and inform the Secretary of the name and status of any accompanying individual and any witnesses he/she wishes to call at least 7 working days before the date of the meeting. The full documentation shall be circulated to all participants, together with the names of any witnesses to be called by the University or by the student, at least 5 working days before the meeting.

(iv) The proceedings of the meeting shall take the following form:

The Registrar or nominee presents the case for the University including the questioning of any witnesses

The student questions the witnesses

The Registrar or nominee may ask further questions of the witnesses but only if these arise from the student's questions

The Panel asks questions of the witnesses, the Registrar or nominee and the student

The student presents the case for his/her defence including the questioning of his/her witnesses

The Registrar or nominee questions the witnesses

The student may ask further questions of the witnesses but only if these arise from the Registrar's questions

The Panel asks questions of the witnesses, the Registrar or nominee and the student

The Registrar or nominee sums up the case against the student
The student sums up the case for his/her defence

(e) Within the procedures at (c) and (d) above, the Panel has discretion over the conduct of the proceedings. The strict rules of evidence in criminal proceedings shall not apply but the Panel shall use its discretion as to the weight to be attributed to any particular statement made.

(f) After the student has concluded his/her final statement, the student and any accompanying individual together with the University staff presenting the case shall leave the meeting. The Panel will consider its decision alone, advised by its Secretary. The decision shall be communicated to the student in writing within 3 working days of the meeting but may be notified verbally in advance of the written communication at the discretion of the Panel. The Panel shall give reasons for its decision. The Panel may determine that a student accused of a Major Offence was guilty of a Minor Offence. If the Panel decides against the student, he/she shall be notified of the right of appeal.

(g) Whilst every reasonable effort will be made to convene hearings at a time suitable for the student, the Panel reserves the right to proceed in the absence of the student if it feels it appropriate so to do.

(iii) Penalties

(a) The Student Disciplinary Panel may apply one or more of the following penalties:

- Fines
- Formal reprimand
- Community service
- Requirement that the student have no contact of any kind with a named person or persons
- Temporary exclusion from use of specified University facilities
- Permanent exclusion from use of specified University facilities
- Temporary suspension of registration at the University for a specified period
- Attachment of such conditions as it thinks fit to the continued pursuit of the student's studies, to the nature of his or her living accommodation and to his or her general conduct

It may also recommend to Senate, under Statute XIV 6 (xxiv):

Termination of registration at the University

(b) Penalties applied from the above list may be suspended for a specified period.

(c) The Panel may require students to cover the cost of making good damage or loss to property.

(iv) Appeals

(a) Students found guilty of Major Offences shall have the right of appeal to the Student Disciplinary Appeals Committee established in Paragraph 1(viii) in respect of both the decision and the penalty.

(b) The Registrar shall have the right of appeal to the Student Disciplinary Appeals Committee established in Paragraph 1(viii) in respect of the penalty applied for Major Offences.

(c) No member of the Committee or its Secretary shall have had any previous involvement with the case.

(d) The appeal, including a clear statement of the grounds and any supporting documentation, shall be submitted in writing to the Secretary of the Committee within 10 working days of notification of the decision.

(e) Possible grounds for appeal include (this list is not intended to be exhaustive):

(A) That there were procedural irregularities in the conduct of the Student Disciplinary Panel.

(B) That the student is in possession of new evidence which was not available to the Panel when it reached its decision and the student had good cause for not including the evidence in their case to the Panel.

(C) That there is evidence of prejudice or bias on the part of one or more of the members of the Panel.

(D) That the penalties were unreasonably severe given the circumstances of the case.

(f) In the case of an appeal by the student, the appellant shall be notified of the date of the hearing and the membership of the Committee within ten working days of the receipt of the appeal. The date of the hearing shall be at least 15 working days after the date of notification. He/she shall have the right to attend in person and to be accompanied by an individual of his/her choosing. The name and status of any

(i) The Committee may determine its own procedures in light of the circumstances of the appeal. In the case of an appeal by the student, it may permit the appellant to call witnesses or present additional evidence. Should this be agreed, the Registrar or nominee presenting the case against the student shall also have the right to call

However, when the exclusion is regarded as a matter of urgency, representations may only be possible after implementation of the exclusion.

(iv) Where a student has been suspended or excluded by the Vice-Chancellor under paragraph 4(iii) above, the student has the right to make a written submission to the Vice-Chancellor on a monthly basis requesting that the suspension or exclusion be reviewed.

(v) Suspension or exclusion pending a hearing must not be used as a penalty.

(vi) Students shall be notified in writing of the reasons for, and scope of, any suspension or exclusion by an authorised officer, the Registrar or the Vice-Chancellor.

(vii) Suspension involves a total prohibition on attendance or access to the University and on any participation in University activities; but may be subject to qualification, for example, permission to attend an examination.

(viii) Exclusion involves selective restriction on attendance at or access0004 Tc.0012 To

(iv) Following a court conviction, the University may continue with its own hearing. The penalty imposed by the court shall be taken into consideration by the University in deciding its own penalty.

(remade July 2007)