Student Conduct Policy 2024-25

Owner Dean of Students

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# Part 1 General provisions

## Introduction

1. Throughout this policy the term ‘misconduct’ is used to describe any actions that are considered a breach of the standard of conduct.
2. In this policy, the ‘Reporting Party’ means the individual or individuals that have formally reported a case of misconduct. ‘Responding Party’ refers to the individual or individuals that has received a report of misconduct.

## Guiding Principles

1. At London Metropolitan we want students, members of staff, visitors to the University, members of the local community and external organisations that work with the University to enjoy, feel safe and be proud of being part of our community.
2. To ensure this, it is acknowledged that the University may act, either in the form of informal interventions, interim measures, or sanctions, if a Responding Party’s behaviour or conduct unduly interferes with the activities, or reputation of the University. This includes conduct on social media and online.
3. It is our aim to investigate cases fairly, and impartially, ensuring that both the Reporting and Responding Parties are signposted to support and guidance throughout the process.
4. It is our aim that when major cases of misconduct occur, they are dealt with swiftly and with the seriousness required.
5. In all cases, the policy aims to provide all parties with a resolution at the earliest opportunity, and where measures or sanctions occur that they are measured, proportionate and within the law.

## Standard of Conduct

1. All students and applicants of London Metropolitan community are expected to:
	1. Act safely with regards to the safety and well-being of others and in use of the University’s teaching, services, and premises.
	2. Act in accordance with university policies, rules and regulations, and relevant legislation and external compliance.
	3. Be respectful of others’ rights and dignity by treating all individuals fairly and with consideration.
	4. Act within the law and not take part in activities or actions that are reasonably likely to negatively affect the reputation of the University.
	5. Be honest, act with integrity and take accountability for how their actions may affect others.
2. By accepting an offer at the University, students agree to conduct themselves in such manner, whether that be to other students, members of staff, visitors to the University or members of the local community.
3. The University is committed to the fair and equal treatment of all individuals considering age, race, colour, ethnic or national origin, sex, marital or civil partnership status, religion or political beliefs, sexual orientation, gender identity, or socio-economic status.
4. Nothing in this Policy is intended to limit students’ freedom of expression or speech within the law, or to prevent students from openly criticising, disagreeing with or protesting the University in accordance with our Freedom of Speech Code of Practice.
5. Although not court or legal proceeding, this Policy recognises that the University operates in a complex regulatory and legal framework. Therefore, to ensure the rights and dignities of our community are considered (including that of the Responding Party) the Policy may apply the tests, definitions of, or refer to, the Equality Act 2010, the Protection from Harassment Act 1997, Rehabilitation of Offenders Act 1974, Human Rights Act 1998, Terrorism Act 2000, or other relevant legislation when making decisions regarding how an investigation progresses.
6. The University welcomes students from a variety of backgrounds and recognises that some applicants or students: may have criminal convictions; may be charged with or convicted of a crime during their course; may apply for a course that requires or contains activities that require a Disclosure and Barring Service (DBS) check. The University cannot determine whether a criminal offence has been committed – that is a matter for the criminal courts. However, the University recognises that some misconduct may also constitute a criminal offence and are considered in accordance with paragraph 25.
7. A non-exhaustive list of examples of misconduct is set out in ‎this document.

## Scope

1. This Policy applies to:
	1. any person who is registered as a student at the University (including those students who have taken a break from their studies);
	2. so far as is practicable, any person to whom an offer of a place has been made and who subsequently becomes a student and accepts a firm offer;
	3. any student against whom an allegation was pending when their registration, by withdrawal or otherwise, was terminated and who subsequently re-joins the University.
2. This Policy applies where the alleged misconduct:
	1. affects the University or its property; or
	2. affects the person or property of its students, staff, visitors, or external organisations the University works with to provide services, activities or teaching provision;
	3. incidents occurred during or arises out of university activities (including placements or field work or trips) or use of university facilities or premises; or
	4. conduct that brings the University, staff, students, or wider University community into disrepute.
3. It does not matter whether the alleged conduct takes place on or off University premises.
4. This Policy also applies to conduct on social media. This applies to social media communications made both on public and private forums by students including those communications which directly or indirectly reference the University or its members. This policy applies to social media communications sent or communicated from anywhere, whether to an individual, group, or the members of the public.
5. Students at a collaborative/partner institution are subject to that institution’s code of Student Conduct or disciplinary policy. An appeal of the partner institution’s decision may only be accepted at the University’s appeal stage where students have reached the end of their collaborative/partner institutions internal procedures.
6. Where the alleged misconduct arises, or appears to arise, from a physical or mental health condition (including from a failure to take prescribed medication), the allegation may be dealt with in accordance with the University’s Fitness to Study Policy. This can be done at any stage of the procedure where issues giving cause for concern may come to light and with the advice and guidance of Student Services. In these instances, an investigation may be paused, or resolved early in the process.
7. In respect of all interviews, hearings and decisions under this Policy, the Responding Party shall be treated in good faith and assuming innocence, until a decision or determination has been made;
8. Where a student is enrolled on a course that is regulated by a Professional, Statutory or Regulated Body (PSRB) and under the provisions of this Policy, if the misconduct is substantiated, the University may, depending on the nature of the misconduct, be obliged to report that fact to the PSRB and take separate action (in addition to any action under this Policy) under its Fitness to Practise Policy, Academic Regulations or course regulations. The University may use any evidence compiled according to this policy in any Fitness to Practise proceedings or vice versa.
9. Breach of this standard of conduct shall be misconduct. A non-exhaustive list of examples of misconduct is set out in ‎Schedule 1.
10. Where misconduct is substantiated and where appropriate, the intention will be to provide a corrective response in addition to any reasonable and proportionate disciplinary response.
11. The standard of proof to be adopted during the application of this Policy will be on the balance of probabilities, that is, if it is found that it is more likely than not that the misconduct occurred. The Reporting Party (whether the University or a student) making an allegation or stating a particular fact is responsible for proving it. There is no need to prove an allegation or a fact that has been admitted or is proven by the existence of a relevant criminal conviction.
12. Due to data protection, investigations where the misconduct allegation originates, or from members outside of the University may be limited in the amount of information that can be shared, including whether we can confirm or deny, an outcome, someone’s enrolment or the specifics of their relationship with the University.

## Criminal Offences

1. A positive approach is taken to supporting students and disclosure of a conviction does not automatically result in the withdrawal of an offer, an investigation or sanction under these procedures. The Criminal Convictions policy outlines what needs to be declared, relevant offences and/or relevant courses where disclosure is necessary.
2. Where alleged misconduct is or could also be a criminal offence, the Student Conduct Officer and may confer with Legal Services and/or Student Services, Security teams or Health and Safety colleagues. The University may:
	1. report the matter to the police or other relevant authority, but this does not affect the right of any person affected by the alleged misconduct to report it to the police on their own behalf;
	2. defer acting until the police, Crown Prosecution Service and courts have dealt with the matter;
	3. continue with its investigation, where it is confident that the University’s investigation will not prejudice or hinder the police investigation or criminal proceedings.
3. Where a matter has been deferred according to paragraph 18.2. ‎no period of time stipulated under this Policy shall run until the police, Crown Prosecution Service and courts have dealt with the matter and the University has been notified of this;
4. The University is entitled to rely on the fact of a criminal conviction (whether on a guilty plea or otherwise) or acceptance of a caution as proving that an offence was committed and the facts on which the conviction is based occurred.
5. The University will consider any caution accepted or sentence imposed when deciding the appropriate penalty.
6. Save as provided for by paragraph 20 and 21, proceedings under this Policy are separate from and additional to the criminal law. The Responding Party is not exempt from proceedings under this Policy simply because they have been convicted of a criminal offence arising out of the same set of facts and no defence of double jeopardy can be claimed. Similarly, the Responding Party is not exempt from proceedings under this Policy simply because they have been acquitted of a criminal offence arising out of the same set of facts and no defence of double jeopardy can be claimed.

## Licensed Premises

1. While an alleged incident takes place on licensed premises (whether on university premises or elsewhere) that incident may give rise to both proceedings under this Policy and exclusion, barring or suspension of access to the licensed premises by the licensee in accordance with the general law.
2. Proceedings under this Policy are separate from and additional to any decision of a licensee regarding exclusion, barring or suspension of access to licensed premises. A Responding Party is not exempt from proceedings under this Policy simply because of a licensee’s decision based on the same set of facts and no defence of double jeopardy can be claimed.
3. No decision under this Policy may overrule, reverse, or amend any decision of a licensee regarding licensed premises.

## Interim Measures

1. Where the Responding Party is suspected of misconduct, a Student Conduct Officer may, with the guidance of the Head of Casework, the Student Conduct Officer may suspend the Responding Party for a period or indefinitely if:
	1. a criminal charge is pending against the Responding Party; or
	2. they consider that the Responding Party’s presence on university premises or platforms, including social media platforms, would:
		1. breach the University’s duty of care to the students or others; or
		2. cause the University to be in breach of its wider obligations (including, but not cause limited to, obligations under the UK immigration regulations); or
		3. impede an investigation into the allegation.
2. The Head of Casework, the Student Conduct Officer, or a member of Senior Leadership may suspend the Responding Party in the circumstances set out in paragraph 26 in the absence of the Student Conduct Officer.
3. Suspension means that the Responding Party shall be excluded from all University premises. The Responding Party may seek independent advice from the Students’ Union, but this must be by appointment. A suspended student who has not made an appointment will not be admitted to the University’s premises.
4. Where a Responding Party is suspected of misconduct, a Student Conduct Officer may, with the consent of a member of Senior Leadership, impose interim measures on the Responding Party for a period of time or indefinitely, whether in addition to a suspension or not, to ensure that:
	1. The Responding Party does not cause the University to be in breach of its:
		1. wider obligations (including, but not limited to, obligations under the immigration regulations); or
		2. duty of care to the student or others or
	2. the Responding Party does not impede an investigation into the allegation
5. A member of Senior Leadership may impose conditions on a Responding Party in the circumstances set out in paragraph 34 in the absence of the Student Conduct Officer.
6. A Responding Party who has been suspended or had conditions imposed under paragraph 34 - may:
	1. Ask the Student Conduct Officer or Head of Student Casework (or nominee) to review the suspension or condition. Any such request must be in writing and may be made not more frequently than once a month or where there has been a material change of circumstances.
	2. Ask the Student Conduct Officer or Head of Student Casework (or nominee) for temporary permission to attend the University or temporary variation of the conditions for examinations, for submission of coursework or to access student support or advice from Student Services or the Students’ Union. Such request must be in writing.
7. Suspension and conditions under paragraph 34 are precautionary and do not mean that the allegation has been judged or proven. A suspension or conditions must not be used as a punishment or used in place of conduct proceedings.

# Part 2 Dealing with Incidents of Misconduct

## Initial Formal Interventions

1. Initial formal interventions normally involve interventions by a School or Professional Service staff member at an early stage where an incident occurs or arises which is relatively contained, minor or, a potential and/or actual breach of regulations or policies by students occurring in any part of the University. This may include giving the student a verbal warning or requiring a student to leave a particular area of the University’s premises, such as a lecture room or library, for a specified period not exceeding 1 hour or the end of the teaching session (whichever is longer). Because it is a short-term measure, there is no right of appeal against a member of staff’s decision.
2. Where it is reasonably believed that a student is not following the standard of conduct set out in this Policy, an Estates and Facilities Manager may, or on the report of a member of staff, ban the student from the University’s premises for 24 hours, or until the end of the following working day, where necessary. As it is a short-term measure, there is no right of appeal against an Estates and Facilities Manager decision.
3. Where a staff member has put in place an initial formal intervention under paragraph 34, they should inform the Student Conduct Officer of the incident.
4. In cases where there are serious concerns of safety the Head of Student Casework may request as an interim measure that the ban on the card exceeds the timeframe set in paragraph 42, up to 72 hours. After 24 hours, or the end or the next working day, the Responding Party can request that this is reviewed.

## Reporting Misconduct Incidents

1. Where a student or staff member wants to report an allegation of misconduct by another student, they can report the matter to the Student Conduct Officer. Allegations of misconduct by the Reporting Party and any supporting evidence should be reported by completing a Misconduct Incident Report [Form](https://student.londonmet.ac.uk/your-studies/student-administration/rules-and-regulations/student-conduct/) to the Student Conduct Officer.
2. Any allegations outside of the form will be treated as a Disclosure and not as a Report. It is Reporting Party’s decision to report, however if they choose not to do so it may limit the actions the University can take if they do not. Anonymous reports also may not be investigated, as the scope of the investigation is limited without consent to share the origin of the allegation. However Safeguarding procedures and support from Student Services can be sought regardless. This information may also be recorded for statistics and service improvements.
3. Staff Conduct issues are reported by students, applicants, and alumni through the Complaints Procedure.
4. If an incident is arising outside of the University, or the Reporting Party is not a member of the University, unless there is connection to the University’s activities It will not usually be progressed unless there is significant possible impact to reputation or functioning of the University.
5. In exceptional cases or in cases involving a sabbatical officer of the Students’ Union a Student Conduct Officer may be nominated by the Head of Student Casework.
6. A Student Conduct Officer should not investigate allegations where:
	1. they have a close connection with the Responding Party or Reporting Party;
	2. they have previously advised the Responding Party or Reporting Party regarding the allegation under the provision of another Policy; or
	3. a reasonable independent third party would conclude there was a real possibility that they would not be impartial.
7. A Student Conduct Officer’s authority to act may be confirmed retrospectively in cases where it has been called into question. Unless a Student Conduct Officer is disqualified from acting for reasons of actual or apparent bias, the Head of Student Casework’s confirmation of the Student Conduct Officer’s authority shall be final.
8. Any time frame stipulated for the completion of any stage of the procedure, by the University, may be extended:
	1. at the request of the Responding Party (including, but not limited to, a request to reschedule an interview or hearing).
	2. with the agreement of the Responding Party;
	3. with the agreement of the Head of Student Casework or the Dean of Students (or nominee) in the event of matters outside the University’s control or where the complexity of the matter so requires.
9. Any time frame stipulated for the completion of any stage of the procedure, by the Responding Party may be extended with the agreement of the Student Conduct Officer or the Head of Student Casework. Such agreement shall usually only be given in the event of matters outside the Responding Party’s control or where the complexity of the matter so requires.
10. The Reporting Party will be kept informed of the progress of their case at each stage of the procedure within the confines of data protection legislation.

## Stage 1 Formal Exploratory Investigation

1. Where a Student Conduct Officer receives an allegation of misconduct, they shall investigate matters relevant to the alleged misconduct to determine whether misconduct has taken place. This investigation will usually be completed within 20 working days of the receipt of the Misconduct Incident Report Form. In complex matters the investigation may take longer than this.
2. The nature of the exploratory investigation will depend on the nature and complexity of the allegation, but the investigation:
	1. May include an interview with the Reporting Party that alleged misconduct.
	2. May include enquiries with the University’s Disability and Dyslexia Service and where relevant to the allegation, members of staff in Schools and/or Professional Service Departments.
	3. Should include either an interview with the Responding Student, or alternatively, the Responding Student can provide a written statement to reply to the allegation. It is the Responding Parties choice as to whether they would prefer to attend an interview or submit a written statement. Where there is significant risk to the Student Conduct Officer to meet with a Responding Party, the Responding Party is invited to provide written representations of their case without detriment.
	4. Will seek to collate documentary evidence related to the statements of both parties. For example, if a Responding Party provides an alternative version of an event, they may be approached to provide corroborating evidence.
3. The standard of proof to be adopted during the application of this Policy is whether it is more likely than not that the misconduct occurred. Both Reporting and Responding Parties statements will be considered as evidence, as in some cases, these differing accounts will be the only evidence available. of an alleged incident. Where the Student Conduct Officer is satisfied that there is sufficient evidence to proceed with an investigation, they shall inform the Reporting Party, and notify the Responding Party. Notification to the Responding Party will be sent via email to the Responding Party’s university and personal email account and will include:
	1. An invitation letter to attend an interview in person or via Microsoft (MS) Teams.
	2. The Responding Party is also advised they can provide a written statement instead of attending an interview, and the Student Conduct Officer may seek to clarify aspects of the statement. The student(s) should be given at least 5 working days’ notice of the interview or provided with 10 working days to provide a written statement response.
	3. A copy of the Misconduct Incident Report Form
	4. Any evidence in support of the allegation; and
	5. A copy of this Policy.
4. The Responding Party will have the opportunity to respond to the allegation and see any evidence in support of it. They will have the opportunity to ask questions to clarify the allegations and facts that are being alleged, and/or offer information or explain their behaviour.
5. Any student invited for interview can be accompanied by a Friend who shall normally be a member of staff, student at the University, or Students’ Union advisor, by way of support and not by way of legal representation such as a Solicitor or Barrister. The Friend cannot cross-examine witnesses or speak on the Responding Party’s behalf. If the Friend wishes to speak, they may need to seek permission from the Student Conduct Officer or Chair, if present at a hearing, but will be reminded that their role is limited to moral support, and/or quietly give advice. The accompanying person’s capacity at the meeting is one of a silent observer. The Student Conduct Officer may permit the Friend to speak on behalf of the Responding Party if it would assist the investigation. The Friend should not be someone who has provided a witness account as part of the investigation, as this could be seen as a conflict of interest. The Responding Party is responsible for arranging the Friend’s attendance at the interview.
6. The Responding Party will also be invited to inform of any reasonable adjustments they might require accessing the interview. This extends to the support they bring as outlined in paragraph 59. Reasonable adjustments such as the video or audio recordings of the Conduct interview Formal Exploratory Meeting will only be permitted by the Student Conduct Officer having been agreed permitted by the Head of Student Casework (or nominee) in advance: where a written record is insufficient as part of a support need; only where it is in the legitimate interests of the University, and when there is explicit consent from those whose personal data is being collected through the recording. Recording other than for a reasonable adjustment, is not permitted.
7. Any Responding Party can decline to be interviewed and/or may give a written response. A Responding Party who refuses, or fails to attend 2 interviews without good reason, shall be deemed to have declined the opportunity to be interviewed. The Student Conduct Officer shall proceed with the investigation based on the evidence available to them.
8. When the investigation is complete, the Student Conduct Officer shall decide whether it is more likely than not that the Responding Party has committed the misconduct and if there is sufficient evidence to proceed. The Student Conduct Officer will provide the Misconduct Incident Report Form, notes from the Conduct interview and evidence to the Head of Student Casework (or nominee), including the Responding Parties response to the allegation if provided and their recommendation as to how the case should proceed.
9. Following consideration and/or guidance from the Head of Student Casework (or nominee) the Student Conduct Officer will determine either:
	1. that the allegation is unsubstantiated, in which case the case will be dismissed, and a record of the allegation will be kept on the Responding Party’s file; or
	2. that the misconduct is substantiated, that is, it is more likely than not that the Responding Party has committed the misconduct. In which case, the Student Conduct Officer will deal with the case as Minor misconduct, or Major misconduct, based on factors such as:
		1. The type of misconduct, for example harassment, or physical violence, would be considered as Major misconduct.
		2. Whether a Warning or Reprimand would not deter or prevent the misconduct from reoccurring, or the impact or intention of the misconduct is such that further limitations may need to take effect, such as suspension or expulsion to ensure safety and dignity to those affected or others or on campus.
10. In some cases, and in the interest of all parties, it is suitable for Minor misconduct to be dealt with either through Warning, or a Reprimand, if in doing so the outcome does not unreasonably affect the Responding Party’s access to activities, services or teaching provision, or their opportunity to. Examples of this could be, but not limited to:
	1. A Warning, with no further action, where the Responding Party was not aware of a particular policy or expected conduct and it is their first breach of the Standard of Conduct and a Warning is sufficient to prevent repeating the behaviour.
	2. A Warning, with no further action, where the Responding Party was aware of a particular policy or expected conduct, but it is their first breach of the Standard of Conduct and they have demonstrated that the conduct is unlikely to be repeated or likely to escalate to Major misconduct.
	3. A Reprimand with no further action, where the Responding Party has not admitted or shown remorse for the misconduct, but the incident itself is Minor, under the understanding that if repeated, may lead to a Major misconduct case.
	4. A Reprimand, if the Responding Party has admitted to the misconduct, shown remorse and/or the Responding Party agrees to a Resolution Agreement so that the case does not progress to a Major misconduct Panel. In these instances, it may be appropriate for an Apology Requirement to be agreed agreement or reparative actions or another appropriate action such as agreeing no further contact or communication with the Reporting Party.
11. A Resolution Agreement is defined as an agreement, in writing, that sets out an agreement between the Student Conduct Office and the Responding Party that:
	1. May take into consideration the views or case presented by the Reporting Party, and the Student Conduct Officer may see it reasonable to consult with them, to ensure the agreement can be met, but not so that the Reporting Party unduly influences the outcome of the investigation.
	2. If a Resolution Agreement becomes unworkable, or in actioning is disproportionate, it can be reviewed with the agreement on the Student Conduct Officer, and if a suitable agreement cannot be made the Responding Party will be invited to appeal and unless the appeal is upheld, a breach of the Resolution Agreement will be considered further misconduct.
	3. The Responding Party has 10 working days to meet the conditions, as agreed in paragraph 64.4, such as submitting an Apology. Unless there are good reasons for the delay, or if they do not uphold their part of the agreement, this could be considered a further breach of the Standard of Conduct.
12. Once an outcome for an incident of Minor misconduct has been decided as in paragraph 63, the Reporting Party and Responding Party will receive an outcome within 5 working days.
13. If the Responding Party wishes to Appeal the decision, they can do so as set out, in the Appeal section of this document.

## Stage 2 Misconduct Panel Hearing

1. If it is determined after the exploratory investigation that the misconduct is more than likely than not to have occurred, and is considered Major, or that the case cannot be reasonably be resolved through the Minor sanctions then, within 5 working days the Student Conduct Officer will make a request to the Student Casework Office to assign a Clerk. For a Non-Academic Misconduct panel to be arranged.
2. The Clerk will be a member of the Student Casework Office, and their role will be to:
	1. Advise the Chair.
	2. Ensure the panel takes place in accordance with the policy and provide procedural guidance.
	3. To keep a written record of the hearing and the panel discussions and decision-making; (see below).
	4. checks the papers required to support the Panel meeting have been distributed in advance of the meeting; and
	5. Provide the Responding Party with a copy of the outcome and an accompanying written record of the closed session.
3. Misconduct panels are agreed when other interventions or resolutions are either not proportionate to the misconduct that has occurred, but also where Minor resolutions such as an Apology Requirement may exacerbate impact on the Responding Party such as cases of harassment, or intimidation.

Cases that should be dealt with through a Misconduct Panel are where cases are considered Major, and/or the Responding Party:

* 1. Attempts to influence or victimise the reporting staff member or student(s) or witnesses involved with any proceedings under this Policy or criminal proceedings. This includes deflecting, threatening, bribing, or putting undue pressure on the Student Conduct Officer during the investigation.
	2. Alleged misconduct significantly affects or interferes with the day-to-day functions of the University, including impacting individuals’ dignity in the workplace, disrupting teaching or issues maintaining safety on campus, including the work of Student Services, Front of House and Security services.
	3. Is alleged to have submitted falsified documents to the University (including documents provided evidence in support of mitigating circumstances claims or academic appeals, or in support of an application to study, enrolment, or access to student funding, or a visa sponsorship).
	4. A relevant criminal offence, as defined by the Criminal Convictions policy, where a custodial sentence (immediate or suspended) has been given.
1. At any time before a decision has been made regarding the outcome of a case, the Student Conduct Officer may not progress to a Major misconduct panel, on the basis that:
	1. the Responding Party admits the misconduct; and
	2. the Responding Party, decides to agree and abides by the conditions of a Resolution Agreement; or
	3. the Head of Student Casework agrees, for example in cases where it is determined that it may be better dealt with under another process as information comes to light, such as Fitness to Practise; or
	4. evidence or context comes to light, that increases the likelihood that the misconduct is not substantiated or should be considered as a Minor misconduct incident.
2. If the Responding Party breaches the conditions of the agreement, the University may proceed with the original misconduct (together with any subsequent misconduct) based on the admission and a sanction may be imposed by the Student Conduct Officer and/or the formal misconduct panel for all instances of misconduct (taking into account any partial compliance with the conditions of the agreement;
3. The Responding Party shall not be subject to any detriment and be treated fairly (other than a continuation of proceedings under this Policy) for declining to a Resolution Agreement according to paragraph 58. The fact that such an agreement has been declined shall be disregarded when considering the matter.
4. Where the Student Conduct Officer has referred the misconduct to the Student Casework Office, the Student Casework Office shall inform the Responding Party that a formal misconduct panel hearing will be convened under Stage 2 of the procedure. Notification to the Responding Party shall include:
	1. an invitation letter to attend a panel hearing in person or via Microsoft (MS) Teams. The Responding Party should be given the proposed date of the panel hearing (at least 5 working days after the date given for any written submission) and the names and/or the job titles of the Panel members, including the Chair and whether there will be witnesses, such as the Reporting Party present.
	2. A copy of the Misconduct Incident Report Form and any evidence in support of it.
	3. A copy of this policy.
5. The Responding Party will have the opportunity to respond to the allegation and evidence in support of it, to make any written submissions in response to the allegation and invite witnesses to submit a written statement within a period of 10 working days to the Student Casework Office. The Responding Party should submit any documents that they intend to rely on in response to the allegation.
6. In respect of any oral hearing (in person or via MS Teams) before a Panel:
	1. The student shall be given at least 5 working days’ notice of the hearing, which will include a list of witnesses that the Student Conduct Officer intends to call.
	2. The Responding Party can submit to the Student Casework Office no later than 3 working days before the hearing, a list of witnesses whom they intend to call. It is the student’s responsibility to arrange for these witnesses to attend the hearing. The Panel may decline to hear a witness if their evidence is not relevant.
7. The Responding Party can be accompanied by a “Friend” who shall normally be a member of staff, student at the University or Students’ Union advisor by way of support and not usually by way of legal representation such as a solicitor or barrister as it is not a legal process. The accompanying person’s capacity at the meeting is one of a silent observer. The Chair may permit the “Friend” to speak on behalf of the student if it would assist the investigation. The student is responsible for arranging the “Friend’s” attendance at the hearing. The friend should not be someone who has provided a witness account as part of the investigation, as this could be seen as a conflict of interest.
	1. The Responding Party will not normally need to seek legal representation at the Panel or Appeal Stage, although it may be permitted where necessary for fairness. For instance, in misconduct cases where the consequences for the Responding Party are potentially very serious, where it prevents the Responding Party practising the relevant profession, or it could involve matters under criminal law.
8. The Responding Party will also be invited to inform of any reasonable adjustments they might require accessing the hearing. Reasonable adjustments such as the video or audio recordings of panel hearings will only be permitted by the Chair in advance: where a written record is insufficient, as part of a support need; only where it is in the legitimate interests of the University, and where there is explicit consent from those whose personal data is being collected through the recording. Recording other than as a reasonable adjustment, is not permitted.
9. It is acknowledged that it is easier to make covert recordings or recordings of meetings or conversations without the consent or awareness of those present. Where recordings are made covertly, this can be in breach of external legislation and data protection regulations. Therefore, at all stages of the investigation the Reporting Party or Responding Party will be advised that the Data Protection Officer will be approached for advice and guidance and may not be used in all circumstances.
10. The Responding Party will have the opportunity to respond to the allegation and see any evidence in support of it. They will have the opportunity to ask (via the Chair of the panel) questions of witnesses or the Student Conduct Officer presenting the case on behalf of the University; questions to clarify the allegations and facts that are being alleged, and/or offer information or explain their behaviour by making representations to the Panel including putting forward any mitigation.
11. The Responding Party may attend either in person or by via MS Teams agreed by the Chair of the Panel in which all participating in the meeting may communicate with all the other participants. The Responding Party does not need to attend the hearing, the Panel can however, decide in the Responding Party’s absence, provided that the Panel is satisfied the Responding Party was informed of the date of the hearing and has not provided a reasonable excuse (supported by evidence) for absence. An oral hearing will only be postponed more than once in exceptional circumstances.
12. The Student Casework Office shall refer the allegation to a panel unless they consider:
	1. that there is insufficient evidence to substantiate the allegation, the Student Casework Office can decline to refer the matter to the Panel and may refer the matter to the Student Conduct Officer for further investigation (and subsequent referral).
	2. there is a real risk that proceeding will adversely affect the Responding Party’s health or safeguarding of the welfare of another person; or
	3. that it is not in the University’s interests for the matter to proceed.
13. A Panel shall consider all allegations of misconduct referred to it by the Student Casework Office. Where the misconduct has been admitted or is deemed to have been admitted by the Responding Party, the Panel shall only consider the question of the appropriate sanction.
14. A hearing, in front of a Panel, shall usually take place within 20 working days of receipt of the Student Conduct Officer’s referral by the Student Casework Office.
15. The composition of the Panel should consist of:
	1. a senior member of academic or professional service staff (as Chair) from a Subject Area other than that in which the Responding Party or Reported Party study (if a student programme of study is located and a service with no prior involvement in the matter);
	2. a member of academic or professional service staff from a Subject Area other than that in which the Responding Party course of study is located and a service with no prior involvement in the matter and.
	3. a nominee from the Students Union, or if unavailable a member of staff with duties related to student support, and/or equity and inclusion,
16. All members shall be independent of the cases and shall not be a member of a Panel if they:
	1. are a member of the same Subject Area as the Responding Party or have a close connection with the Responding Party or Reported Party; or,
	2. have been previously involved in a review of an allegation involving the same the Responding Party or Reported Party or
	3. have previously advised the Responding Party or Reported Party regarding the allegation; or
	4. a reasonable independent third party would conclude there was a real possibility that they would not be impartial.
17. The Panel shall be conducted in accordance with the directions (whether given at the hearing or beforehand) of the Chair of the Panel, who may also determine the order of proceedings. Such directions may include:
	1. hearing of related allegations against two or more Responding Parties at the same hearing; or
	2. requiring the provision of written witness statements or summaries of the witnesses’ evidence before the hearing; or
	3. the way any witnesses’ evidence will be taken (for example, in person or by suitable electronic means); or
	4. imposing time limits on submissions; or
	5. adjourning the hearing to another time or place.
18. the Chair will state the process to be followed and inform parties of the purpose and objective of the hearing:
	1. the Student Conduct Officer (or nominee, if unavailable, in which case this would be a member of the Casework team, or Head of Student Casework) will present the alleged misconduct;
	2. the Panel will ask questions of the Student Conduct Officer and all witnesses through the Chair;
	3. the Responding Party will present their case and any mitigation;
	4. the Panel will ask questions of the Responding Party and all witnesses through the Chair;
	5. the Responding Party will have the opportunity, through the Chair, to ask questions of the witnesses and to make a final presentation to the Panel;
	6. the Chair may eject the Responding Party from the panel if their presence is unduly disruptive to proceedings, or if they use the hearing as an opportunity to intimidate or harass those present. In such cases, the Chair is advised where appropriate to give an oral warning to cooperate with procedures, or leave the meeting;
	7. may take advice from the clerk, a legal advisor, or other advisors.
	8. the Panel will deliberate in private and reach its decision by majority vote. In the event of a tie, the Chair of the Panel shall have a second or casting vote;
	9. shall be conducted in private, except that members of staff may attend for training purposes, with the agreement of the Responding Party.
19. Once the Hearing is concluded and all evidence has been considered, the Panel will determine either:
	1. that the Student Conduct Officers investigation and findings are in likelihood not substantiated, in which case the case will be dismissed, and a record of the allegation will be kept on the Responding Party’s file and no further sanction or condition can be set; or
	2. that the misconduct is substantiated or partially substantiated, that is, it is more likely than not that the Responding Party has committed the misconduct. In which case, the Panel can apply one or more of the sanctions set out in the list of Sanctions.
20. The Responding Party may wish to provide an Apology as part of their representations for the Panel to consider ahead or offer to apologise during the hearing as part of proceedings. However, once the case has reached the Major proceedings, an Apology cannot be imposed. Panels can consider:
	1. Whether an Apology given in representations could have been made at an earlier stage in the process;
	2. The Responding Party's willingness to apologise, to make amends or remorse can be considered when determining a Sanction and the Responding Party can apologise at any point in the procedure;
	3. The Chair can consider whether it would be suitable to share the Apology with the persons affected, or if it meets the stand of an Apology; and/or
	4. The remorse is genuine, centred on the persons affected, not making excuses for the conduct, ids being used, or a reasonable person could believe it is used to directly or indirectly harass or annoy those that would be the recipient of the Apology.
21. The Panel shall not be made aware of any previous misconduct by the Responding Party, except where:
	1. the previous misconduct is relevant to the current allegation. This information may be provided when the Panel is considering the appropriate sanctions.
22. The Panel is not being asked to consider the case afresh or separately from that of the Student Conduct Officer’s investigation and are advised to rely on the facts established. Panel members are expected to be aware of the contents of the case file they are deciding ahead of time and can ask clarifying questions of the University’s case.
23. A record of the Panel meeting, and the Panel decision (including the Panel’s reasons), shall be kept and shall be agreed by the Chair of the Panel and will be shared with the Responding Party. Recordings of the meeting will not usually be shared with the Reporting Party.
24. The clerk to the hearing shall notify the Responding Party and the Student Conduct Officer of the Panel decision in writing, normally within 10 working days of the Hearing, and shall record the decision on the Responding Party’s file.
25. The Student Conduct Officer shall inform the Reporting Party of the outcome. This will be limited to whether the case is upheld, partially upheld or unsubstantiated, as well as any necessary actions or guidance within the bounds of confidentiality. The specifics of the sanction(s) given to the Responding Party would not be shared.

## Stage 3 Appeal

1. A Responding Party who has received a sanction according to this Policy (whether given by a Student Conduct Officer or by a Panel) may appeal the decision and/or the sanction.
2. The appeal must be submitted on the prescribed Appeal Form not more than 10 working days after the Responding Party was notified of the decision being appealed.
3. An appeal may only be made on the grounds that:
	1. The Responding Party was unable to respond to the allegation within the timeframes provided in this Policy for valid reasons beyond the Responding Party’s control; or
	2. there has been a material procedural defect, other than one for which the student is responsible, resulting in substantial unfairness to the Responding Party; or
	3. the evidence of alleged misconduct was insufficient to substantiate the allegation; or
	4. new evidence has become available which was not, and which could not reasonably have been provided during the time the case was considered. Other than this, no new evidence shall be considered; or
	5. the sanction imposed was disproportionate to the misconduct.
4. The grounds for appeal must be made clear in the Appeal Form to the Dean of Students, or nominee.
5. The Student Casework Office shall determine whether the grounds(s) listed in paragraph 83 have been clearly demonstrated and whether it is reasonable to consider the appeal.
6. Where the review is considered, is for the purposes of annoyance, undue inference, lacking any serious purpose or value and/or have unrealistic expectations and/or unreasonable outcomes, the appeal may be dismissed, or conditions imposed on how the Responding Party can conduct the appeal.
7. The Student Casework Office may reject an appeal that:
	1. is received late and there is no reasonable explanation why it could not be brought in time; or
	2. does not clearly state the grounds on which the appeal is being made; or
	3. does not disclose any reasonable grounds of appeal; or
	4. is entirely without merit.
8. Unless the appeal is rejected in accordance with paragraph 87, the Student Casework Office shall refer the appeal to the Dean of Students or their nominee within 10 working days of receiving the Responding Party’s completed Appeal Form.
9. The Dean of Students or their nominee shall consider the appeal based on the written appeal papers, unless an oral hearing would assist their consideration or otherwise in the interest of fairness, in which case a hearing shall be convened. A decision based on the written appeal papers or a decision to convene a hearing shall usually be made within 25 working days of the Student Casework Office’s receipt of the completed Appeal Form.
10. After reviewing the decision and the appeal, the Dean of Students or nominee may:
	1. reject the appeal and uphold the original decision and sanction; or
	2. uphold or partially uphold the appeal and substitute such other decision as the Dean or Students (or nominee) considers fit –
		1. that the allegation is unsubstantiated, in which case the case will be dismissed, and a record of the allegation will be kept on the Responding Party’s file; or
		2. that the allegation is substantiated, that is, it is more likely than not that the Responding Party has committed the misconduct and apply one or more of the sanctions set out in ‎the sanctions.
	3. the Dean of Students or nominee may not impose a penalty more severe than that originally invoked.
	4. refer the matter, or any part of it or any decision to the Misconduct Panel for further consideration, with any such guidance as the Dean of Students or nominee thinks fit.
11. The decision of the Dean of Students or nominee shall be final. The Dean of Students or nominee shall within 10 working days of their decision notify the Responding Party and the Student Casework Office.
12. At this point the Responding Party has completed the University’s internal procedures. If the Responding Party remains dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. A complaint must be submitted to the OIA within 12 months of the University’s final decision. The OIA cannot consider complaints about:
	1. Admissions, unless the person complaining is a former student of the University who is applying for re-admission, and the complaint is directly connected to their time as a student;
	2. academic judgment;
	3. student employment;
	4. something that has already been the subject of legal proceedings in a court or tribunal unless those proceedings are put on hold; and/or
	5. something that has already been considered by another alternative dispute resolution body.
13. Conduct matters that do not proceed to a Stage 3 Appeal within 10 working days after the Responding Party student was notified of the decision being appealed will be considered as closed. A Completion of Procedures letter can be provided upon request, although students should be aware that the University’s internal procedures are not complete at this stage.

## Confidentiality and reporting

1. The University will process all information in accordance with its Student Privacy Notice and the principles of the General Data Protection Regulation (GDPR). Student Conduct will be handled with an appropriate level of confidentiality and by trained staff. With information released only to those who need it for the purposes of investigating, responding to the appeal, or panel hearings. No third party should be told any more about the appeal than is necessary to obtain the information required from them.
2. The University may consider it appropriate to discuss and or refer matters to third parties such as Social Services, the Disclosure and Barring Service or the Police. The University will normally notify the Responding Party when doing so but may do so on occasion without notification to the Responding Party such as in situations deemed to be of risk.
3. The outcomes and recommendations from Student Conduct may be shared across the University for institutional learning and reporting purposes, for instance to Academic Board and Board of Governors. However, any personal information will be removed and handled in accordance with the University’s Privacy Notice.

## Schedule 1 Examples of Misconduct

This Schedule defines examples of misconduct below, however the list of conduct that may breach this Policy is inexhaustive. Minor misconduct may be a student being loud in the Learning Resources Centre designated quiet spaces or smoking or vaping outside of designated areas (where risk of harm was still minimal). An example of Major misconduct is a be breach of a sanction already imposed as part of these procedures, harassment, violence, or conduct that causes someone to feel or be unsafe.

1. Any conduct that has resulted in a relevant conviction by a criminal court or for which a caution has been accepted.
2. Failure to disclose personal details, including relevant criminal convictions, when required (whether by University policy or otherwise), to a member of staff at the earliest opportunity. Non-declaration of a criminal conviction(s) prior to the point of enrolment, will be considered under the General Student Regulations

3. Any conduct that has the potential to or negatively impacts the reputation of the University or members of the community. This does not apply to genuine concern regarding malpractice provided that they are not

4. Disruption or obstruction of, or improper interference with the activities of the University including academic activities, service provision, social events, talks and visits.

5. Physical violence, intimidation, physical threats, or serious expression of intent to commit acts of violence.

6. Indecent, disorderly, threatening, or intimidating language or communication. either in person, over the phone or social media.

1. Harassment, including sexual harassment.
2. Sexual Violence.
3. Victimising any student, member of staff or visitor because of anything done or not done in connection with this Policy (including making a Report or giving evidence).
4. Bullying.
5. Deception, dishonesty, lying either overtly or by omission, in relation to the University, its staff, students, or visitors.
6. Misappropriation, unauthorised use or misuse of University property, including intellectual property, services, equipment or resources or the property belonging to members of the community whether they be staff, students visitors, placement providers, external contractors.
7. Damage or defacement of, University property, or to the property of the University’s staff, students, or visitors, whether caused intentionally or through neglect or unsafe actions.
8. Action likely to cause injury or to impair safety on university premises/or as part of university activities.
9. Failure to respect the rights of others to freedom of belief and freedom of speech and/or freedom of expression within the law as defined by the University’s Freedom of Speech Code of Practice.
10. Breach of the provisions of any University code, policy, rule or regulation, including (but not limited to) Premises Rules, Library Code, ITS Policy or the Research Code.
11. Failure to regard, or knowingly breaching a Security or Health and Safety measure or instruction.
12. Failure to comply with a sanction or condition imposed under this Policy.
13. Coercing, inducing or intimidating any person into not reporting a matter to the police or the University.
14. Agreeing to, attempting or persuading another member of the University (student or staff) to participate in actions that would breach this, Policy. This includes encouraging conduct that may reasonably obstruct or delay an investigation.
15. Falsifying, altering, moderating, generating, or simulating documents, evidence or communications with the intention to mislead. This includes providing evidence for Mitigating Circumstances claims or evidence to Student Services for the purposes of gaining unfair advantage.

## Schedule 2. Misconduct Sanctions

Provides an indication of the Panel sanctions likely to apply in different circumstances depending on the types of misconduct offences and its seriousness. In respect of misconduct a Panel may impose one or more of the following sanctions:

| **Sanctions** | **Description** |
| --- | --- |
| Warning | Responding Party is informed of standard of conduct, having evidenced to have been unaware or where mitigating factors may apply. For example, where a student has not sought suitable support that may prevent them from breaching misconduct, but did not intend harm, or actions were unlikely to cause harm. They are warned not to repeat conduct that may breach this policy. As this is usually considered by the Student Conduct Officer earlier in the process, it should not be considered for cases of Major misconduct. A note is put on the Responding Party's file, but not further actions or conditions are imposed. |
| Conditional reprimand | This notes that the misconduct has been substantiated. The Responding Party student will be expected to comply with conditions set out in either Resolution Agreement, or as imposed by Panel. Such conditions may include a requirement to make reparation (financial restitution or otherwise) and/or to accept behavioural measures and/or corrective response to prevent future misconduct. If the conditions are breached, sanctions can be imposed for the original misconduct and the further misconduct. This can be used in conjunction with other sanctions such as a Restriction. |
| Suspended sanction | A sanction is imposed but does not take effect provided that no further misconduct is committed in a period specified by the Panel. For example, if the Responding Party does not meet a condition set by the Panel, the Panel can choose to apply a further sanction such as Expulsion, or Exclusion from campus until the condition is met.  |
| Compensation Requirement | Require the Responding Party student to pay reasonable sum to compensate for any loss or damage sustained by the University or any other person within a specified period. The compensation shall be payable to the person who has sustained the loss. This will no more than five hundred pounds. This requirement should not create difficultly for the Reporting Party if they have experienced loss and be reasonably practical to enforce. The Panel should consider that the University cover the loss to the Responding Party and invoice the student to recover the costs.  |
| Restriction | Restrict the Responding Party from contacting a specified person or person; and/or restrict the Responding Party from accessing specified facilities or premises of the University. Such a restriction shall be for a fixed period. Notwithstanding the time limit for appeals, the Responding Party may ask the Head of Casework to review a restriction at any time while the restriction is effective on the ground that the restrictions is seriously impeding the Responding Party’s academic progress.  |
| Exclusion | Exclude the Responding Party from the University for a fixed period. While excluded, the Responding Party is not permitted to access the University’s premises or its facilities, or to participate in its activities.  |
| Transfer | The Responding Party may be transferred or move to a different seminar group, module or course at the request and discretion of the Panel (subject to the programme of study, to be confirmed before imposing this sanction). |
| Termination of Enrolment and/or  | Termination of the Responding Party’s enrolment on their current course. The Responding Party remains liable for any tuition fees that fell due for payment before termination of enrolment and the University reserves the right to take action to recover the debt.  |
| Expulsion  | Expel the Responding Party from the University. The Responding Party ceases to be a member of the University and loses all rights and privileges of membership. The Responding Party remains liable for any tuition fees that fell due for payment before expulsion and the University reserves the right to take action to recover the debt. |

## Schedule 3. Examples of Misconduct

The table below provides examples of behaviours and/or actions of the Responding Party that can be considered in accordance with the procedures set out within Student Conduct Policy. The table is not an exhaustive list but serves to ensure that all parties are aware of the behaviours and/or actions of students that may constitute misconduct and/or understand the definitions.

|  |  |
| --- | --- |
| Conduct | Definition and examples |
| Abuse | Abuse is any action that intentionally harms or injures a person either physically or emotionally that is either done purposefully or through negligence. Abusive situations can arise when an individual is seeking to control another through abusive behaviour. For example, a person may use abusive language towards another, to express frustration towards a person or situation. |
| Intimidation or threats | Intimidation is any course of conduct that creates fear in a person. Threatening conduct includes words or conduct that threatens an act of violence or recriminations, or reasonable can be perceived to make someone feel threatened, either in writing or within hearing, that is likely to cause alarm or distress. Words, actions or implied threats that cause reasonable fear of injury or harm to the health and safety of another person.  |
| Bullying | Bullying can be described as on-going and intentional verbal, physical and/or socialised behaviour (such as excluding someone from a group or hazing, or initiation rituals to join a social group) that causes or has the potential to cause physical, social, or psychological harm. It can be between two individuals or more, and the instigators can be part of a wider group enforcing its dominance over a person or person(s). It can be in-person or online, on various digital platforms (such as messaging software), or through telecommunications such as texting. |
| Coercion | The act or process of persuading someone forcefully to do something that they do not want to do, Coercion is when someone tries to, or successfully persuades another to do something by using force, threats, or psychological tactics, such as establishing control, or imposing limitations on an individual’s social support. |
| Deception | Deception is an act or a statement which misleads, conceals the truth, promotes a belief or concept that is not true. |
| Freedom of Speech/Freedom of Expression  | The University takes steps to ensure lawful freedom of speech on campus, including having policies related to Freedom of Speech. For more information, please see our [Freedom of Speech Code of Practice.](https://www.londonmet.ac.uk/about/policies/freedom-of-speech/#:~:text=We%20will%20ensure%20a%20high,the%20limitations%20of%20the%20law)  |
| Falsification | Falsifying, altering, moderating, generating, or simulating documents, evidence, or communications with the intention to mislead. This includes providing evidence for Mitigating Circumstances claims or evidence to Student Services. This includes misuse of engagement monitoring systems by inducing another or registering your attendance on behalf of another. |
| Failure to regard, or knowingly breaching a Security or Health and Safety measure or instruction | This can include failure to comply with an instruction issued by a Security Officer or front of house staff member, such as jumping barriers, disrupting their work, acting unsafely by being intoxicated on the premises or not following Fire Warden instructions. In some cases, this can be considered very serious, and no teams Staff Members should face misconduct or have their work impacted. For these key staff members, inference with their work can have a significant impact on safety if they are distracted. |
| Harassment | Harassment, or sexual harassment, includes unwanted behaviour or conduct of a sexual nature which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation. This includes harassment to include any incidents of hate speech, expressions, imagery, physically violent or targeted acts towards a person or group based on a protected characteristic or assumed protected characteristic. This can include racial slurs, derogatory jokes, personal insults.As well as the above, Harassment is also defined as a course of conduct, conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress, whereby the person knows the conduct amounts to harassment of the other, or a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person. This can include repeated unwanted communications with the intention or impact of causing alarm; cyberbullying or publishing or sharing information to shame, embarrass or threaten someone.  |
| Hate | Hate, in the context of this Policy, refers to conduct that is motivated by hostility and prejudice towards a person’s identity or perceived identity.  age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation. Hate crimes can also target intersections of one’s identity. Hate can be verbal abuse, online behaviour, intimidation, threats, harassment, violence, and bullying, as well as damage to property (such as graffiti).  |
| Misappropriation | The unauthorised use of property belonging to any member of the University community. This can include removing property and/or resources from university premises. Misappropriation can also include using another name or identity without the person’s permission resulting in harm to that person or others. |
| Misuse | Misuse refers to the use of something in the wrong way or in a way other than it was intended to be used. For example, this may include using a university service outside of the remit for which it exists and when the function of the service has been explained. This may be, for example, when a person demands financial advice from a staff member whose role is not linked to giving this advice. Misuse can also include accessing inappropriate materials on university systems.  |
| Obstruction or disruption | O[bstruction](https://www.lawinsider.com/dictionary/academic-obstruction) refers to any activity that limits or prevents other students' access to resources or services and/or prevents members of staff, procedures or services from functioning as intended. For example, demanding support above and beyond what is reasonable, outside of service level agreements, resulting in less availability for others to access that service.  |
| Physical Violence | Physical violence does not need to cause serious physical harm or leave injury to be distressing or to impact someone. All unreasonable physical confrontation is taken seriously. Blocking an exit, to prevent someone leaving, can be considered physical violence, as can refusing to leave a space if your conduct is deemed distressing or harmful. Physical violence can include punching a wall, near someone to induce or intimidate. Spitting, kicking, punching, hitting, pulling, pushing, grabbing, choking, stabbing are just a few examples of physical violence. A weapon may or may not be used and throwing or swinging objects so that it is likely to or does cause damage or injury would be considered. |
| Sexual Violence | Sexual violence or **any act, or attempt to obtain a sexual act, that a person did not consent freely or fully informed to. This includes incidents where consent was given, but then withdrawn. This includes,** but not limited to: unwanted or inappropriate physical contact, without consent including penetration, kissing, embracing, touching, stroking, groping, pinching, slapping or smacking (this can be in public, in private, clothed or unclothed); lifting or removing clothing; spiking with drugs or alcohol to enact drug-facilitated sexual violence or affect someone’s capacity to give consent; flashing whether in-person or cyber flashing; sharing or threatening to share, sexual acts, videos or making sexual imagery online or offline without consent and intimidation, or promising resources or benefits in return for sexual acts or favours.  |
| Victimising  | Victimisation is the act of singling someone out because of actions carried out or not carried out. For example, this could include treating someone unfairly or differently because they are making a complaint, assisting another in making a complaint, and/or reporting another individual’s behaviour.A person is not protected against victimisation if they are acting in bad faith by making false accusations or by giving false information. |