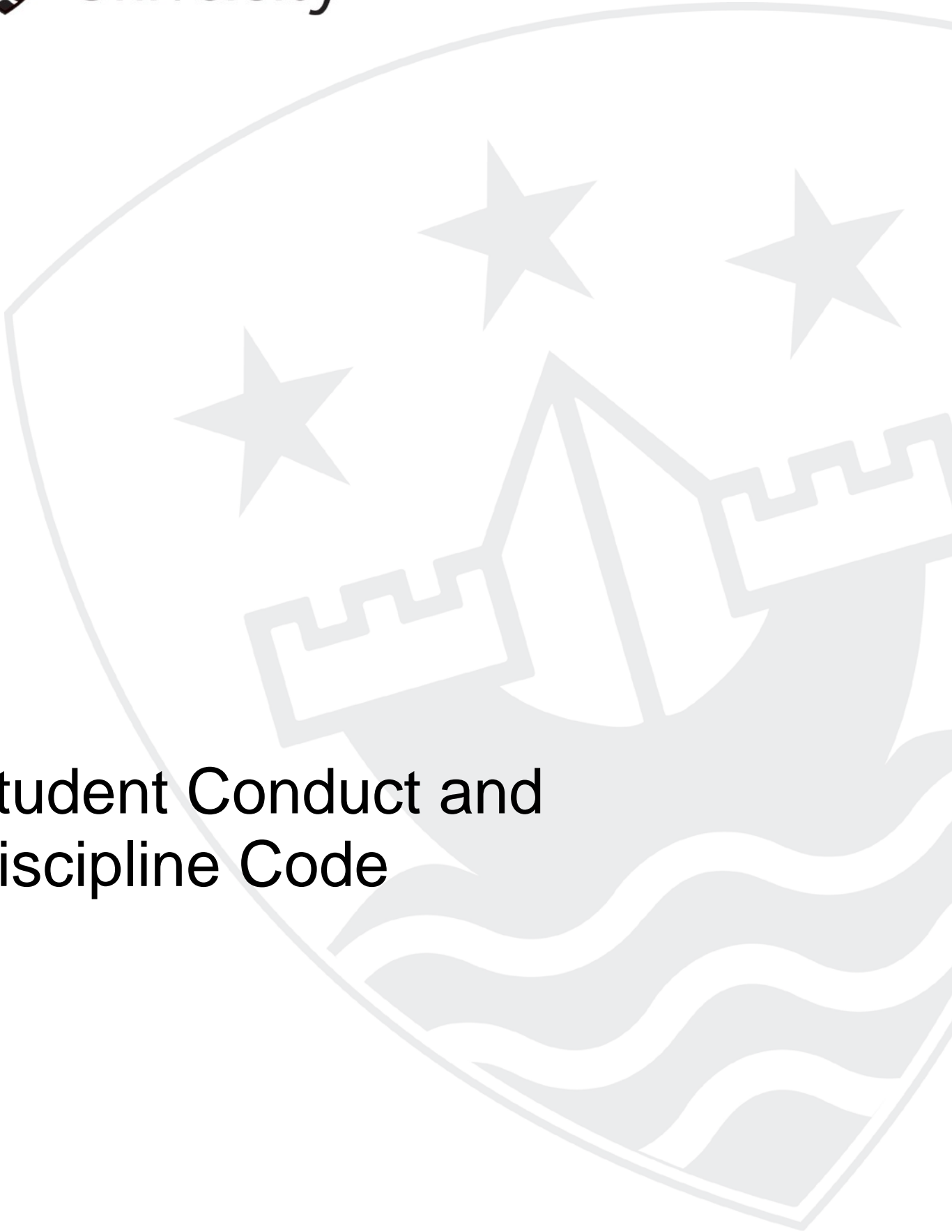




Leeds Trinity
University

Student Conduct and Discipline Code



Student Conduct and Discipline Code



1 Leeds Trinity Ethos and Student Conduct

Leeds Trinity seeks to create a tolerant and harmonious community. All members are expected to conduct themselves in a manner which promotes and enhances such an environment, exercising self-discipline, and respect for others and the environment.

2 The Student Discipline Code

- 2.1 The Code applies to any registered student of Leeds Trinity. Nothing in the Code shall invalidate a student's rights under English or European law.
- 2.2 The Code is applicable to allegations of student misconduct made by another student or a member of staff. Allegations made by a third party on behalf of a student or member of staff cannot be pursued under this code. Any student making false or vexatious allegations may be subject to the Code.
- 2.3 The definition of misconduct as applicable to this Code is improper interference with the proper functioning of Leeds Trinity, or those who work and study in Leeds Trinity, or action which damages Leeds Trinity or its reputation.
- 2.4 Action taken under this Code takes precedence over any action taken under all other Leeds Trinity codes and regulations including those of the Leeds Trinity Students' Union
- 2.5 Leeds Trinity's jurisdiction under this Code is not limited to its own premises. The Code includes misconduct occurring in any place to which a student is guaranteed access by virtue of his/her status as a student. This would therefore include field trips, attachments and school experience.
- 2.6 The Vice-Chancellor shall be responsible for determining any issues of interpretation and for providing any clarification of this Code. His/her decision shall be final.

3 Student Discipline Procedures

3.1 *Structure and Responsibilities*

- 3.1.1 The **Governors** have ultimate responsibility for all matters of student discipline. The **Vice-Chancellor** shall act on behalf of the Governors within the **Formal Procedure** as below (section 3.3.1). The Student Disciplinary Panel (SDP), chaired by a senior member of staff nominated by the Vice-Chancellor for student discipline matters, will be the primary vehicle for the consideration of individual student cases.

3.1.2 The Vice-Chancellor may delegate powers under this Code to the **Director of Student Support** (DSS) (or nominee) or the **Accommodation Officer** (AO) (or nominee) who operate under the **Informal Procedure** as below (section 3.2.1).

3.2 *Minor Allegations/Offences*

3.2.1 Informal Procedure

3.2.1.1 For matters which relate to noise levels in Leeds Trinity residences the Accommodation Officer (or nominee) shall issue warnings in accordance with the guidelines issued to students on acceptable noise levels. Following receipt of two warnings, a student committing a third noise level offence will be referred by the AO to the SDP with a recommendation that they be asked to leave Leeds Trinity accommodation.

3.2.1.2 For all other matters except in 3.2.1.1 above, the DSS (or nominee) will require a written statement of the allegation from the complainant(s) with any evidence or corroboration available, and will provide written information to those who are the subject of the allegation, outlining its nature.

3.2.1.3 The DSS (or nominee) will instigate an investigation of the allegation, including an interview with the student(s) against whom the allegation is made, securing further evidence where possible. This process should normally be undertaken within two weeks.

3.2.1.4 Following investigation the DSS or nominee will decide upon one or more of the following courses of action:

- a) dismissal of the case
- b) oral reprimand/warning
- c) written reprimand/warning, a copy to lie on the student's file for one calendar year
- d) requirement to communicate a written apology that is approved by the DSS (or nominee)
- e) imposition of a fine not exceeding £200
- f) restitution of any damage caused by way of payment
- g) imposition of a specified number of hours of community service
- h) recommendation to licensee for exclusion from Leeds Trinity licensed premises
- i) referral of case to the SDP

3.2.1.5 The student has the right to appeal to the Vice-Chancellor who will confirm, vary or set aside the findings and/or the penalty. In order to appeal, the student must lodge a written appeal with the Vice-Chancellor within ten working days of the penalty being imposed.

3.3 Major allegations/offences

3.3.1 Formal Procedure

3.3.1.1 The Formal Procedure is invoked when a student is referred to the SDP and will be used for:

- a) persistent misconduct
- b) where action taken under section 3.2.1 has failed or is deemed inappropriate
- c) for serious allegations/offences

3.3.2 Any student referred to the SDP will be advised in writing a minimum of 7 days before the meeting, of:

- a) the case against him/her and all evidence acquired
- b) the procedures of the panel
- c) their right to be accompanied by a fellow student
- d) the membership of the panel and the point of contact for any related communication

3.3.3 Where a student is referred to the SDP the student may request, in writing, for the matter to be dealt with by the Chairperson of the Panel through executive action to expedite proceedings. The Chairperson of the Panel has the right to decide that a SDP hearing is required and may refuse this request. The powers available to the Chairperson of the Panel remain the same as in section 3.3.8 (a-e). The student must be advised that s/he does not have the right of appeal against a decision made through executive action.

3.3.4 Any written submission to the SDP from the student must be to the Chairperson of the Panel at least 3 working days before the meeting.

3.3.5 The Chairperson of the SDP will be responsible for convening the meeting. The Panel shall have the following membership:

- A senior member of staff nominated by the Vice-Chancellor (Chairperson)
- A member of the lecturing staff, not involved in teaching the student, nominated by the Chairperson
- A further member of senior staff
- Student Union President or his/her nominee

3.3.6 The SDP will require the attendance of the student. Where appropriate, the DSS (or nominee), the AO (or nominee) and /or witnesses may be required to attend. However, a penalty may be imposed in the absence of the student if the SDP is convinced that all reasonable steps have been made to advise the student of the date, time and place of SDP and no satisfactory explanation of absence has been provided.

3.3.7 At the conclusion of the meeting the SDP will reach a decision based on the evidence available. Decisions must be reasonable, proportionate and have

regard to the principle of natural justice, but do not require absolute proof. The SDP will make their decision known to the student in writing within three working days.

- 3.3.8 Subject to due consideration, such misconduct may result in any of the following actions through the SDP or executive action on behalf of this committee:
- a) any action listed in section 3.2.1.4 or variant thereof
 - b) imposition of a fine not exceeding £1000
 - c) suspension (temporary prohibition on attendance)
 - d) exclusion (partial or selective prohibition on access to Leeds Trinity facilities, including termination of a student's Residential Accommodation Agreement contract)
 - e) expulsion
- 3.3.9 The student shall have the right of appeal to the Vice-Chancellor against any SDP decision under section 3.3.8 (a - d) and to the Governors' Disciplinary Committee against any SDP decision under section 3.3.8 (e).

3.4 *Immediate/Emergency Action*

- 3.4.1 Where a student is subject to a criminal charge or to a police investigation or where a student's behaviour is considered likely to cause injury to students, staff or property, the Chief Operating Officer and University Secretary may suspend or exclude the student or limit their interaction with the Leeds Trinity community pending the SDP hearing. Such action will be invoked, and reported to the Vice-Chancellor, with immediate effect in which case an SDP hearing will be held within two weeks of suspension/exclusion. All such cases of suspension or exclusion will be subject to review at 4 weekly intervals.
- 3.4.2 In such circumstances every effort will be made to minimise the effect of suspension or exclusion under section 3.3.8 on the student's capacity to engage in a learning experience and their access to student services. Such suspension or exclusion should not be construed as a penalty. It is a mechanism to secure the protection of members of the Leeds Trinity community.
- 3.4.3 Where this action under section 3.4.1 is invoked, the student has the right of appeal to the Vice-Chancellor.
- 3.4.4 Any period of suspension/exclusion may be effective until the outcome of any criminal proceedings or investigations at which point a decision will be made about any further disciplinary action under this Code. Where such action is required, the procedures set out in section 3.3.1 apply.

4. Appeals Against a Decision of the Student Disciplinary Panel (SDP) regarding discipline/conduct cases

4.1 *Appeal to the Vice-Chancellor*

- 4.1.1 If a student wishes to appeal against an SDP decision under section 3.3.8 (a - d) s/he must lodge that appeal in writing with the Vice-Chancellor within 10

working days of the SDP issuing a decision. The appeal must set out in writing the grounds for the appeal. An appeal will only be admitted on grounds relating to the conduct of the disciplinary process and its effect on the disciplinary decision or on the grounds of evidence which has emerged subsequent to the SDP decision.

4.1.2 The Vice-Chancellor will consider the appeal together with the report from the SDP and will confirm, vary or set aside the findings and/or the penalty and will inform the student and the Chairperson of the SDP of the outcome within 10 working days of receipt of the appeal.

4.1.3 The decision of the Vice-Chancellor is final.

4.2 *Appeal to the Governors' Disciplinary Committee (GDC)*

4.2.1 If a student wishes to appeal against a SDP decision under section 3.3.8 (e) s/he must lodge that appeal in writing with the Clerk to the Governors within 10 working days of the SDP issuing a decision. The appeal must set out in writing the grounds for the appeal. An appeal will only be admitted on grounds relating to the conduct of the disciplinary process and its effect on the disciplinary decision or on the grounds of evidence which has emerged subsequent to the SDP decision.

4.2.2 The Chairperson of the GDC will consider whether or not the written submission constitutes prima facie grounds for appeal. If s/he considers that there are prima facie grounds for appeal, s/he will call a meeting to hear the appeal. If the Chairperson decides that a prima facie case has not been made, the Clerk to the Governors will write to the student to communicate that there are no grounds for an appeal.

4.2.3 The GDC shall normally be constituted to hear the appeal within 4 weeks of receipt of the appeal being lodged. The GDC shall have the following membership:

- Three external Governors
- The Clerk to the Governors (or his/her nominee) will be in attendance

4.2.4 The student must attend the meeting if required, in which case the Clerk to the Governors will provide the appellant with at least 8 working days notice of the meeting and remind them of their right to be accompanied by a fellow student.

4.2.5 The appellant shall be invited to submit any further evidence in writing to the GDC. Any new evidence must be accompanied by a written statement as to why this evidence was not available to SDP. All information should be submitted to the Clerk to the Governors at least 5 working days before the meeting.

4.2.6 The GDC shall have full access to all documentation relating to the case but will make no further enquiry into matters of fact relating to the allegation and the existing evidence. It will hear the appeal as follows:

- a) The Chairperson will present the Report of the SDP which will include a summary of process, evidence and conclusions with all papers associated with the case;
- b) the appellant (and/or fellow student) will have the opportunity to address the GDC in support of the grounds for appeal;
- c) members of the GDC will then have the opportunity to ask questions of the Chairperson of the SDP and the appellant.

4.2.7 The GDC may consider and determine the appeal in the absence of the appellant if it is satisfied that the time, date and location of the hearing have been notified in writing to the appellant and that the appellant has not notified the Clerk that s/he will not be able to attend. The GDC may exercise its discretion to adjourn the meeting at any time.

4.2.8 The GDC will consider whether to endorse the decision of the SDP or to uphold the appeal or substitute such other decision of its own as it thinks fit. This may involve increasing or reducing a penalty imposed by the SDP. The GDC decision is final and will be communicated to the appellant and the Chair of the SDP, in writing, within 7 working days of its having been made.

4.2.9 Any decision whether by the SDP or the GDC that results in suspension or expulsion shall be reported to the next meeting of the Board of Governors.

5 Case Closure

5.1 If an appeal is submitted by the deadline in 4.1.1 or 4.2.1 above, Leeds Trinity will issue a "Completion of Procedures" letter at the same time as it informs the student of the outcome of the appeal.

6 Independent External Review

6.1 If, on exhaustion of Leeds Trinity procedures detailed above, a student wishes to seek an independent external review, then they should apply to the Office of the Independent Adjudicator (OIA) within 3 months of the date of the "Completion of Procedures" letter.

6.2 The "Completion of Procedures" letter will contain information on the services provided by the OIA and how to submit an application.

7 Policy on Referral to Police

7.1 It is important to note that anyone may report a matter to the police and no-one may prevent this.

7.2 Leeds Trinity will offer support and advice to anyone coming forward to report to the police matters of criminal conduct which may affect Leeds Trinity.

7.3 Where an offence is committed against Leeds Trinity, the matter shall normally be reported to the police, whether or not any culprit has been identified.

7.4 Where the victim of an alleged crime does not wish the matter to be reported to the police, but the matter has come to Leeds Trinity's attention, the Vice-Chancellor (or nominee) shall be informed and the final decision to inform the

police on behalf of Leeds Trinity will rest with him/her. Where the victim of an alleged serious offence has decided not to refer the matter to the police, the Student Conduct and Discipline Code will not normally be invoked. Only in exceptional circumstances and after careful consideration will Leeds Trinity report a matter to the police against the wishes of the victim, although in certain circumstances it is a legal requirement to report incidents to the police e.g. under the Acts of Parliament relating to the prevention of terrorism and the protection of children.

- 7.5 In a serious matter under police investigation or awaiting trial, the Chief Operating Officer and University Secretary may consider taking immediate action under the Student Conduct and Discipline Code, for example, suspending or excluding a student until the outcome of police or court action is known. The Vice-Chancellor may decide whether in such cases disciplinary action under this code should continue to be taken before the outcome of the criminal investigation is known.
- 7.6 Where the alleged offence under the criminal law is considered by the Director of Student Support (DSS) or nominee to be not serious, taking account of all the relevant circumstances, action under this Code would be deferred pending the outcome of any police investigation or prosecution.
- 7.7 Where a finding of misconduct is made and the student has also been sentenced by a criminal or civil court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under this Code.

Annex A

The following list exemplifies student misconduct, but is not exhaustive. Categorisation of offences as 'major' or 'minor' is dependent upon several factors: the context of the offence, the nature and sincerity of any admission and/or expression of regret by the offender and the offender's record regarding similar previous offences.

- a) disruption of the academic, administrative, sporting, recreational, social or other activities of Leeds Trinity.
- b) obstruction of the functions, duties or activities of any student or staff member or other employee of Leeds Trinity or any authorised visitor to Leeds Trinity.
- c) behaviour which restricts the legitimate freedom of speech, ideas, actions or inquiry of any other student or staff member.
- d) behaviour which breaches Leeds Trinity regulations on health and safety, on smoking or on eating and drinking on Leeds Trinity premises.
- e) behaviour which brings Leeds Trinity into disrepute – including antisocial behaviour in and around student residences.
- f) violent, indecent, disorderly, threatening or offensive behaviour or language whilst on Leeds Trinity premises or engaged in any Leeds Trinity activity.
- g) malicious damage to Leeds Trinity property which includes halls of residence, sports facilities, library and learning resources, Students' Union property or the property of any other student, staff member or authorised visitor.
- h) conduct, including the possession of or use of drugs, which constitutes a criminal offence, where that conduct:
 - took place on Leeds Trinity property.
 - affected or concerned other members of the Leeds Trinity community, individuals or groups in related organisations or partner institutions.
 - damages the good name of Leeds Trinity.
 - is an offence of dishonesty, where the student holds an office of responsibility at Leeds Trinity.
 - poses a danger to other members, or to the good order of the Leeds Trinity community.
- i) breaches of Leeds Trinity's Equal Opportunities Policy, including sexist, racist, or homophobic activity or behaviour, including the racial, sexual or religious harassment of any student, member of staff or other employee of Leeds Trinity or any visitor to Leeds Trinity.
- j) action likely to cause injury or impair safety on Leeds Trinity premises or property.

- k) behaviour which would be likely to cause fear, distress or offence to others.
- l) a breach of other Leeds Trinity regulations where further action under this Code is deemed to be necessary.
- m) fraud, deceit, deception or dishonesty in relation to the property of Leeds Trinity or its staff or other students or placement organisations used by Leeds Trinity or in connection with the holding of any office at Leeds Trinity.
- n) failure to disclose the name and other relevant details to an officer or employee of Leeds Trinity in circumstances when it is reasonable to require that such information be given.
- o) failure to comply with a previously imposed penalty under this Code or other Leeds Trinity regulation.
- p) behaviour which is counter to the legal aspects of professional codes of practice in programmes which require professional validation e.g. teacher education.
- q) possession of offensive weapons on Leeds Trinity property (items which could be described as such used in recreational activities, for example martial arts equipment, or as course equipment, must be declared to the Director of Student Support and used only under qualified supervision).