



Leeds Trinity  
University

# Student Conduct and Discipline Code

January 2018

# Student Conduct and Discipline Code

## 1. Leeds Trinity Values

Leeds Trinity University respects its contractual relationships with students. It seeks to create a tolerant and harmonious community. All members of the University are expected to act in accordance with its values of dignity, respect, social justice and equality.

## 2. The Student Discipline Code

- 2.1 The Code applies to any registered student (including apprentices, assumed hereafter in the term 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 at Leeds Trinity, or action which damages Leeds Trinity or its reputation. There is a separate code for cases of Academic or Professional Misconduct which applies to matters such as plagiarism, cheating or unprofessional behaviour in relation to placements.
- 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. Students who raise concerns in good faith in accordance with the Whistleblowing Policy shall not be subject to disciplinary procedures.
- 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 placements, research and field trips. Moreover, the University's jurisdiction extends to relevant matters and actions online, in social media or other platforms, with particular regard to allegations of cyber-bullying.
- 2.6 The Vice-Chancellor shall be responsible for determining any issues of interpretation and for providing any clarification of this Code, with particular regard to issues which might fall under the Code of Practice on Freedom of Expression. 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 Conduct Panel (SCP), chaired by a senior member of staff nominated by the Vice-Chancellor or Chief

Operating Officer, 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 Services** (DSS) (or nominee) or the **Accommodation Officer** (AO) (or nominee) who operate under the **Minor Procedure** as below (section 3.2.1).

## 3.2 **Minor Allegations / Offences**

### Minor Procedures

- 3.2.1. For matters which relate to noise levels or smoking in Leeds Trinity residences, as set out in the residential contract, the AO (or nominee) shall issue warnings in accordance with the guidelines issued to students on smoking or acceptable noise levels. Following receipt of two warnings, a student committing a third offence will be referred by the AO to the SCP with a recommendation that they be asked to leave Leeds Trinity accommodation.
- 3.2.2 For all other matters except in 3.2.1.1 above, the DSS (or alternate senior member of staff) will require a written statement of the allegation from the informant with any evidence or corroboration available, and will provide written information to those who are the subject of the allegation, outlining its nature.
- 3.2.3 The DSS (or alternate) 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. The DSS (or alternate) should have due regard to objectivity in gathering, testing and presenting evidence and testimony.
- 3.2.4 Following investigation the DSS (or alternate) 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 alternate);
  - e) financial restitution of any damage caused;
  - f) imposition of a specified number of hours of community service;
  - g) recommendation to licensee for exclusion from Leeds Trinity licensed premises;
  - h) referral of case to the SCP.
- 3.2.5 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 submit a written appeal to the office of the Vice-Chancellor<sup>1</sup> within 10 working days of the penalty being imposed.

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<sup>1</sup> The "office of the Vice-Chancellor" means the pool of personal assistants located in the Executive Suite adjacent to the Finance Office. Emails in a formal style will be accepted and should be sent to [k.stenton@leedstrinity.ac.uk](mailto:k.stenton@leedstrinity.ac.uk)

### 3.3 Major allegations/offences

#### Major Procedure

- 3.3.1 The Major Procedure is invoked when the initial investigation leads the DSS (or alternate) to refer a student to the SCP in cases of:
- a) persistent misconduct
  - b) failure of action taken under section 3.2.1
  - c) inadequate penalties under 3.2.1
  - d) serious allegations/offences
- 3.3.2 The office of the Chief Operating Officer will notify any student referred to the SCP in writing a minimum of 7 days before the meeting of:
- a) the case against him/her;
  - b) the date and location of the Panel meeting;
  - c) the procedures of the Panel;
  - d) the membership of the Panel;
  - e) their right to be accompanied only by a fellow student or Student Union officer as supporter. The supporter may advise the student, if necessary away from the Panel, but may not speak on behalf of the student.
- 3.3.3 The office of the Chief Operating Officer (located in the Executive suite) will provide the student with a copy of, or access to, all evidence acquired.
- 3.3.4 Where a student is referred to the SCP 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 SCP hearing is required and may refuse this request. The powers available to the Chairperson of the Panel remain the same as in section 3.3.9 (a-e). The student must be advised that s/he does not have the right of appeal against a decision made through executive action.
- 3.3.5 Any written submission to the SCP from the student must be submitted to the office of the Chief Operating Officer<sup>2</sup> at least three working days before the meeting.
- 3.3.6 The Chief Operating Officer shall appoint a senior member of staff as Chairperson of the SCP who will be responsible for conducting the meeting. The panel shall include two additional senior members of staff. A senior member of the Students Union shall have right of attendance at all stages of the Panel.
- 3.3.7 The SCP will require the attendance of the student. Where appropriate, the DSS (or alternate), 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 SCP is convinced that all reasonable steps have been made to advise the

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student of the date, time and place of the SCP and no satisfactory explanation of absence has been provided.

- 3.3.8 At the conclusion of the meeting the SCP will reach a decision based on the evidence available. Decisions must be fair, reasonable, proportionate while based on a balance of probabilities. Other than for cases under 3.3.1 (a), the decision as to guilt or responsibility shall be made without reference to previous offences; the Panel shall only take into account previous offences in determining any penalty. The SCP will make their decision known to the student in writing within 3 working days.
- 3.3.9 Subject to due consideration, misconduct may result in any of the following actions through the SCP or executive action on behalf of the panel:
- a) any action listed in section 3.2.1.4 or variant thereof
  - b) imposition of a fine not exceeding £1,000
  - 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
- 3.3.10 The SCP retains the right to vary sanctions at its discretion for each case throughout the academic year. Student disciplinary hearings are not designed to set a precedent and the outcome of each incident will be dealt with on the findings of that particular case. Decisions of an SCP are not binding on another even where the circumstances are similar.
- 3.3.11 The student shall have the right of appeal to the Vice-Chancellor against any SCP decision under section 3.3.9 (a-d) and to the Governors' Disciplinary Committee against any SCP decision under section 3.3.9 (e). See Section 4 below.

#### **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 or alternate such as the University Secretary, may suspend or exclude the student or limit their interaction with the Leeds Trinity community pending the SCP hearing. Such action will be invoked, and reported to the Vice-Chancellor, with immediate effect in which case an SCP hearing will be held within two weeks of suspension/exclusion. All such cases of suspension or exclusion will be subject to review at four weekly intervals.
- 3.4.2 In such circumstances every effort will be made to minimize the effect of suspension or exclusion under section 3.3.9 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. See Section 7.5 below.

- 3.4.3 Where this action under section 3.4.1 is invoked, the student has the right of appeal to the Vice-Chancellor. See Section 4 below.
- 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 SCP decision under section 3.3.9 (a-d) s/he must submit that appeal in writing to the office of the Vice-Chancellor<sup>3</sup> within 10 working days of the SCP 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 SCP decision.
- 4.1.2 The Vice-Chancellor will consider the appeal together with the report from the SCP and will confirm, vary or set aside the findings and/or the penalty and will inform the student and the Chairperson of the SCP of the outcome within 10 working days of receipt of the appeal.
- 4.1.3 The decision of the Vice-Chancellor is final and will complete the University's procedures. See Sections 5 and 6 below.
- 4.2 **Appeal to the Governors' Disciplinary Committee (GDC)**
- 4.2.1 If a student wishes to appeal against an SCP decision under section 3.3.9 (e) s/he must submit that appeal in writing to the office of the Chief Operating Officer<sup>4</sup> (who will forward it to the external Clerk to the Governors) within 10 working days of the SCP 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 SCP decision.
- 4.2.2 The Chairperson of the GDC will consider whether or not the written submission constitutes grounds for appeal. If s/he considers that there are grounds for appeal, s/he will call a meeting to hear the appeal. If the Chairperson decides that a 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.

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- 4.2.3 The GDC shall normally be constituted to hear the appeal within four weeks of receipt of the appeal being submitted. 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 eight working days' notice of the meeting, remind them of their right to be accompanied by a fellow student and confirm the evidence being considered.
- 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 SCP. All information should be submitted directly to the Clerk to the Governors at least five 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 of the SCP will present the report of the SCP which will include a summary of process, evidence and conclusions with all papers associated with the case;
  - b) The appellant will have the opportunity to address the GDC in support of the grounds for appeal; and
  - c) Members of the GDC will then have the opportunity to ask questions of the Chairperson of the SCP 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 SCP 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 SCP. The GDC decision is final and will be communicated to the appellant and the Chair of the SCP, in writing, within 7 working days of its having been made.
- 4.2.9 Any decision whether by the SCP or the GDC that results in suspension or expulsion shall be reported to the next meeting of the Board of Governors.

## 5. Case Closure

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 completion 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 twelve 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 Anyone may report a matter to the Police and no-one may prevent this.
- 7.2 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.
- 7.3 Leeds Trinity will offer support and advice to anyone wishing to report to the Police matters of criminal conduct. Leeds Trinity will encourage students to report serious personal matters to the Police and the University will not attempt to investigate matters on its own authority which should properly be investigated by the Police.
- 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. 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. 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.
- 7.5 In a serious matter under police investigation or awaiting trial, the Chief Operating Officer may consider taking immediate action under the Student Conduct and Discipline Code, for example, suspending or excluding a student until the outcome of a 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. In the event of charges being dropped or a defendant found innocent, the University will give full consideration to the restitution of the student’s academic standing and financial position prior to the case.
- 7.6 Where the alleged offence under the criminal law is considered by the 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.**

**In all matters, online misconduct is subject to the provisions of this code and annex.**

- a) disruption of the academic, administrative, sporting, recreational, social or other activities of Leeds Trinity, including antisocial behaviour on campus;
- 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 – with particular regard to (a) social media and other platforms and (b) antisocial behaviour in and around student houses (or equivalent) in Leeds;
- 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 discrimination against and/or harassment of any student or member of staff of, or any visitor to, Leeds Trinity and any acts liable to render the University in breach of the Equality Act 2010;
- 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) breach of other Leeds Trinity regulations where further action under this Code is deemed to be necessary;
  
- m) fraud, deceit, deception, dishonesty or piracy, that is the deliberate infringement of statutory protections of copyright and licences, 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 Services and used only under qualified supervision).