



Code of Student Conduct

THE UNIVERSITY
of EDINBURGH

Purpose of Policy

The primary purposes of the University are the advancement and application of knowledge and the education of its members; its central activities are teaching, learning and research. These purposes can be achieved only if the members of the University community have mutual trust and confidence and can live and work beside each other in conditions which permit freedom of thought and expression within a framework of respect for the rights of other persons. The University expects all students to conduct themselves in an appropriate manner in their day to day activities, including in their dealings with other students, staff and external organisations. Students are expected to comply with University policies and regulations. Where they do not comply with these requirements, and where they disrupt University activities, then the University will follow relevant procedures to resolve matters, including this Code of Student Conduct. Failure to comply with this Code will be treated as misconduct for the purposes of paragraph 12 below. The University aims to deal with all disciplinary issues in a fair and consistent manner. It recognises that, for the student and staff concerned, involvement in disciplinary procedures can be difficult and stressful. The University will therefore ensure that those involved are made aware of available guidance and support, and that disciplinary issues are dealt with as quickly as the specific circumstances allow.

Overview

The Code of Student Conduct states the University's expectations for student conduct; outlines examples of misconduct offences; and states how the University will handle such offences. It outlines specific responsibilities and actions for staff who investigate alleged offences and who apply disciplinary penalties. The Senatus Academicus (Senate) has responsibility for the Code of Student Conduct, which is governed by University Court resolution.

Scope

The Code of Student Conduct applies to all students of the University.

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Document control

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Approving authority

Senate; CSPC and the University Court for the associated resolution.

Consultation undertaken

The development of the Code was based on widespread consultation with the Discipline Committee, Authorised Officers, Standing Commission on Student Discipline, CSPC, EUSA, the University lawyers and those responsible for related procedures. Two senior judges commented as "critical friends". Benchmarking against other institutions. The University acknowledges, in particular, the relevant policies on student conduct and discipline of the Universities of Aberdeen, Glasgow and Sheffield.

Section responsible for policy

Academic Services

Related policies, procedures, guidelines & regulations

The operation of the Code of Student Conduct relates to other student regulations and general policies in the University. These relationships are clarified in guidance which supports the Code of Student Conduct. www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline

UK Quality Code

n/a

Policies superseded by this policy

This Code supersedes the General Statement on Student Discipline and Code of Student Discipline, covered by University Court Resolution 3/2009 23.2.09. This version of the Code of Student Conduct supersedes the 24.4.14 version.

Alternative format

If you require this document in an alternative format please email Academic.Services@ed.ac.uk or telephone 0131 650 2138.

Keywords

student conduct, student discipline, discipline officers, conduct investigators, discipline committee, student misconduct



Code of Student Conduct

Scope

- 1 The Code of Student Conduct applies to all students of the University. It applies to
 - a. activities in which they engage in their capacity as students of the University; or
 - b. services or facilities they enjoy by virtue of being a student of the University; or
 - c. their presence in the vicinity of, or their access to, any premises owned, leased or managed by the University, the Edinburgh University Students' Association or the Edinburgh University Sports Union (EUSU); or
 - d. any activity not covered by a), b) or c) above, which is considered to affect adversely the safety, interests or reputation of the University, its students, employees or authorised representatives, as outlined in this Code.

Basis of Jurisdiction

- 2 Under the Universities (Scotland) Acts all students of the University are subject to the jurisdiction of the Senate, for their studies and for their conduct. The Senate has primary responsibility for student discipline and recommends to the University Court the University's disciplinary procedure¹.
- 3 For students on programmes of study which are provided jointly between the University of Edinburgh and another institution, misconduct alleged to have been committed on the premises of either institution shall be dealt with under the relevant institution's discipline regulations. When the alleged misconduct is committed elsewhere, the University Secretary of the University and of the other institution, or their nominees, shall consult and decide whether the case shall proceed under the Code of Student Conduct of the University of Edinburgh or that of the other institution. Any alternative arrangements will be agreed in writing between the institutions.

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- 4 The primary purposes of the University are the advancement and application of knowledge and the education of its members; its central activities are teaching, learning and research. These purposes can be achieved only if the members of the University community have mutual trust and confidence and can live and work beside each other in conditions which permit freedom of thought and expression within a framework of respect for the rights of other persons.
- 5 All students of the University are required at all times to conduct themselves in an appropriate manner in their day to day activities, including in their dealings with other students, staff and external organisations. Students are required to comply with University policies and regulations.
- 6 By matriculating, or by enrolling on any University course or programme, a student becomes a member of the University community and is subject to University discipline. The University may also take action under this Code when the individual concerned is no longer registered or enrolled at the University.

¹ <http://www.legislation.gov.uk/ukpga/1966/13>



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- 7 Students' behaviour may be affected by some health conditions or disabilities. However, the University has a duty to ensure that members of the University community are not subjected to unacceptable behaviour and any allegations of inappropriate behaviour will be investigated. Where health conditions or disabilities may be a contributing factor, reports or evidence of these will be taken into account. Where student conduct is found to be unacceptable as a result of a health condition or disability, the University will endeavour to offer appropriate support to assist the student but may take action under the Code of Student Conduct.

University responsibilities

- 8 The University aims to deal with all disciplinary issues in a fair and consistent manner. It recognises that, for the students and staff concerned, involvement in disciplinary procedures can be difficult and stressful. The University will therefore ensure that those involved are made aware of available guidance and support, and that disciplinary issues are dealt with as quickly as the specific circumstances allow.
- 9 Considering and using disciplinary action at an early stage can prevent more serious offences or issues arising. The University views the Code of Student Conduct and discipline procedures as a part of a welfare approach: misconduct may be the first indicator of underlying problems. The process can provide students with an opportunity for reflection and learning.
- 10 The University will:
- Make this Code and associated guidance material available to all students and staff www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline
 - Deal with student disciplinary issues in a proportionate and transparent way, as soon as issues become apparent
 - Respect the need for confidentiality in relation to disciplinary issues
 - Implement the Code of Student Conduct in line with all data protection legislation.
- 11 The Senate may devolve responsibility to relevant Senate committees, with appropriate student membership, for:
- Keeping the Code of Student Conduct under review, and proposing any amendments to the Senate and the University Court;
 - Discussing, reviewing and approving appropriate student disciplinary procedures and guidance;
 - Appointing members of the Student Discipline Committee and Student Discipline Officers (see paragraphs 21 to 27 for information about these roles; and
 - Considering an Annual Report about the number, types and outcomes of cases of misconduct found to have been committed.



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Misconduct Offences

- 12 Examples of student misconduct are provided below. This list is not exhaustive. The University may choose to investigate and take action on misconduct offences whether they take place on University, Edinburgh University Students' Association or EUSU premises or elsewhere, including online and in social media. Below, "Person", means any student of the University; any employee of the University; any visitor to the University; any subcontractor engaged by the University, or any other authorised representative of the University.
- 12.1 Disrupting, or interfering with any academic, administrative, sporting, social or other University activities;
 - 12.2 Obstructing, or interfering with, the functions, duties or activities of any Person;
 - 12.3 Violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally, in writing or electronically), including sexual violence or abuse of any Person;
 - 12.4 Harassment of any Person whilst engaged in any University work, study or activity, including bullying and sexual harassment;
 - 12.5 Conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study or activity;
 - 12.6 Fraud, deceit, falsification of documents, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;
 - 12.7 Behaving in a way likely to cause injury to any Person or to impair safety;
 - 12.8 Harassing, victimising or discriminating against any Person on grounds of age, disability, race, ethnic or national origin, religion or beliefs, sex, sexual orientation, gender identity, gender reassignment, pregnancy, maternity, marriage or civil partnership, colour or socio-economic background;
 - 12.9 Failing to comply with any University rule, regulation or policy;
 - 12.10 Assessment offences, including making use of unfair means in any University assessment or assisting a student to make use of such unfair means;
 - 12.11 Misconduct in research;
 - 12.12 Damaging, defacing, stealing or misappropriating University property or the property of any Person, whether deliberately or recklessly;
 - 12.13 Misusing or making unauthorised use of University premises or items of property, including IT facilities or safety equipment;
 - 12.14 Deliberately doing, or failing to do, anything which thereby causes the University to be in breach of a statutory obligation;



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- 12.15 Behaving in a way which brings the University into disrepute (without prejudice to the right to fair and justified comment and criticism);
 - 12.16 Making false, frivolous, malicious or vexatious complaints;
 - 12.17 Failing, upon request, to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
 - 12.18 Failing to comply with a previously-imposed penalty under this Code;
 - 12.19 Any misconduct prior to a student's enrolment at the University of Edinburgh which was not previously known to the University, which: raises questions about the fitness of the student to remain a member of the University community; suggests that the student poses a threat to any Person or the discipline and good order of the University; or raises questions about the student's fitness to be admitted to and to practise any particular profession to which the student's course or programme leads directly;
 - 12.20 Any other behaviour which: raises questions about the fitness of the student to remain a member of the University community; suggests that the student poses a threat to any Person or the discipline and good order of the University; or raises questions about the student's fitness to be admitted to and to practise any particular profession to which the student's course or programme leads directly.
- 13 Detailed regulations and policies are published separately about, for example, University examinations, libraries, the use of computing facilities, the use of automatically processed personal data (in connection with academic work), academic misconduct, fitness to practise in a particular profession and University managed accommodation. Breaches of any of these or other University regulations or policies which amount to misconduct as outlined above, may be dealt with under the Code of Student Conduct.

Misconduct and criminal proceedings

- 14 The University may report to the police any allegation that a criminal offence has been committed.
- 15 The University encourages any student who has been the victim of an alleged criminal offence to report this to the police, and, if relevant, to the University.
- 16 Where alleged misconduct constitutes a criminal offence, the University may investigate or take disciplinary action whether or not the matter has been referred to the police and whether or not criminal proceedings have begun or been completed.
- 17 The University may, at its discretion, suspend any internal investigation or disciplinary action on alleged criminal misconduct to await the outcome of any criminal proceedings. The decision whether or not to suspend the University's disciplinary process is taken collectively by the University Secretary or a Deputy Secretary or their nominee taking action with a designated Vice-Principal. The University Secretary or a Deputy Secretary or their nominee will inform the Secretary of the Student Discipline Committee of the decision to suspend an internal investigation or disciplinary action.



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- 18 The University may investigate and take disciplinary action on alleged misconduct whatever the outcome of any external proceedings about the same matter and irrespective of whether external proceedings have been concluded.
- 19 Where a student is convicted of or cautioned or warned for an offence, this may be relied upon as evidence in any University proceedings provided that the circumstances leading to that conviction are relevant to those proceedings.
- 20 Any sentence or order pronounced by a court may be taken into account in the imposition of any disciplinary penalty.

Members of the University community involved in dealing with alleged misconduct cases

- 21 Members of the University community involved in dealing with alleged misconduct cases are:
- a. **Conduct Investigators.** Allegations of student misconduct are investigated by Conduct Investigators. Each School, Service, College and Support Group may have one or more Conduct Investigators, who are appointed by their respective College or Support Group.
 - b. **Student Discipline Officers and Student Discipline Committee.** University disciplinary action can be taken by Student Discipline Officers or by the Student Discipline Committee.
 - c. **Secretary of the Discipline Committee.** The University Secretary appoints a number of administrative staff to have the role of Secretary to the Discipline Committee, to support the Student Discipline Committee. A lead Secretary of the Discipline Committee, with responsibility for the student disciplinary process, is appointed by the Director of Academic Services.
 - d. **University Appeal Committee.** The University Appeal Committee deals with student appeals against a decision of a Student Discipline Officer or the Student Discipline Committee. The grounds for appeal are specified in the University's Student Appeal Regulations.
www.ed.ac.uk/schools-departments/academic-services/staff/appeals/overview
- 22 The lead Secretary of the Student Discipline Committee maintains lists of current Conduct Investigators, Student Discipline Officers and members of the Student Discipline Committee, which are published on the University website.
- 23 The **Student Discipline Officers** are:
- a. The Heads of the Colleges and Heads of Support Groups;
 - b. One or more members of the senior management in each College and Support Group, or their nominated representatives, to be appointed by the Curriculum and Student Progression Committee on behalf of the Senate.



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- c. The University Secretary, Deputy Secretaries and College Registrars, and any deputies they nominate to act on their behalf.
 - d. Designated Vice-Principals.
- 24 The **Student Discipline Committee** consists of at least six members of staff of the University and at least six matriculated students of the University, who are appointed to the committee by the Curriculum and Student Progression Committee on behalf of the Senate. At least four of the staff members must be academics. The sabbatical officers of Edinburgh University Students' Association and current Student Discipline Officers are not eligible for membership of the Student Discipline Committee.
- 25 Student Discipline Committee members' period of office is three years. All members are eligible for re-appointment provided that no member serves for more than six years. The Curriculum and Student Progression Committee appoints the Convener and Vice-Convener from the staff members.
- 26 Meetings of the Student Discipline Committee must consist of not less than five members, including at least two staff members and at least two student members. All meetings must be attended by a **Secretary of the Student Discipline Committee**. The Convener, or in their absence the Vice-Convener, presides at all meetings, and has on all occasions both a deliberative and a casting vote.
- 27 If a member of the Committee has been involved in a case at an earlier stage, they will not serve on the Committee when it considers that case.

Information regarding student cases

- 28 The University may share information provided by students, staff and other witnesses with people involved in the case, including the student under investigation, for transparency and to provide a fair process. This may be done at any stage of the process, paying due attention to confidentiality and data protection requirements (paragraph 10 above).

Reporting student misconduct allegations

- 29 With regard to reports of misconduct, these procedures distinguish between the following:
- a) **Respondent**. This refers to the student who is alleged to have committed an act of misconduct under investigation via this Code.
 - b) **Reporting Party**. This is the individual (who may be a student, staff member, or member of the public) who has raised the allegation of misconduct against the Respondent.

Frontline resolution

- 30 Students and members of the public may report allegations of student misconduct to any member of staff. Where students or members of the public are aware of misconduct occurring in a Service or Support Group, they may refer it to a relevant point, for example the Student Information Point, or a helpdesk.



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- 31 It is possible to resolve some misconduct allegations at an early stage. Staff who receive allegations may exercise their discretion on whether to seek to resolve matters locally, for example intervening to stop poor behaviour in University buildings. Where the staff member receiving the allegation considers local resolution is not possible or appropriate, they should advise the student that they can request an investigation.

Requesting an investigation

- 32 Staff may report allegations of student misconduct to their Head of School, Head of College or the Head of the relevant Service or Support Group (or their respective nominee). The relevant Head of School, Head of College, or the Head of the relevant Service or Support Group (or their respective nominee) will determine whether to pass the report to the University Secretary or a Deputy Secretary (or their nominee).
- 33 A student or a member of the public who wishes to request an investigation into an allegation of misconduct is encouraged to use the Complaint Handling Procedure:
<http://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure>
- 34 Alternatively, students may wish to report allegations of student misconduct to their Student Support Team or Graduate School and request an investigation. The member of staff receiving the report will raise this with the University Secretary or a Deputy Secretary (or their nominee).

Screening of reports of alleged misconduct

- 35 On receipt of a report alleging misconduct, the University Secretary or a Deputy Secretary (or their nominee) will decide whether to initiate an investigation into the alleged misconduct.
- 36 The University will initiate an investigation where:
- a) The report relates to an allegation which, if proven, could plausibly be regarded as a potential breach of the Code; and
 - b) The information provided suggests that there is a realistic prospect that sufficient evidence will be available to determine whether or not the alleged incident has occurred.
- 37 Where the University Secretary or a Deputy Secretary (or their nominee) decides not to initiate an investigation, they will communicate the reasons for this to the Reporting Party.

Allocating the case to a Conduct Investigator

- 38 Where the University Secretary or a Deputy Secretary (or their nominee) decides to initiate an investigation, they will pass the report to a relevant Conduct Investigator and ask them to investigate the case.
- 39 The Conduct Investigator is usually a member of staff within the College in which the Respondent is a student, or of the relevant Service or Support Group. Where there are multiple Respondents in a case who come from different Colleges or where the alleged misconduct applies to more than one area, the Heads of the relevant Colleges and/or Support Groups agree which Conduct Investigator should be asked to investigate the case.



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- 40 The University Secretary or a Deputy Secretary (or their nominee) may appoint two Conduct Investigators in particularly complex cases. Where two Conduct Investigators are appointed, one will be designated as Lead Investigator. In the event that either Conduct Investigator is unable to conclude the investigation, the University Secretary or a Deputy Secretary (or their nominee) will determine whether to appoint another Conduct Investigator, or continue the investigation with the one remaining Conduct Investigator. Where two Conduct Investigators acting in a case are unable to agree a finding, the decision of the Lead Investigator is final.

Precautionary suspension

- 41 When initiating an investigation into an allegation of misconduct, the University will consider whether it is necessary to take any precautionary action to suspend the Respondent pending the conclusion of proceedings under this Code.
- 42 Suspension pending the conclusion of proceedings under this Code is not used as a penalty. The power to suspend is used to protect the members of the University community or a particular member or members, or members of the general public, or to ensure that a full and proper investigation can be carried out. The power shall be used only where it is urgent and necessary to take such action. The University Secretary or Deputy Secretary (or their nominee) will record written reasons for the decision and send these to the Respondent.
- 43 In urgent situations, the University Secretary or a Deputy Secretary or their nominee, taking action with a designated Vice-Principal, may decide to immediately suspend a Respondent:
- who is a danger to themselves or others; or
 - who is the subject of a misconduct allegation; or
 - against whom a criminal charge is pending; or
 - who is the subject of a police investigation.

The decision can be made at any stage of the University's student disciplinary process under this Code. This suspension may be a total or a selective restriction on attending the University or accessing its facilities or participating in University activities. It may also include a requirement that the Respondent should have no contact with named individuals.

- 44 Any Respondent suspended under the provisions of this section must be given an opportunity within five working days to make representations in person and/or through a member of the University community, including a member of Edinburgh University Students' Association staff, to the relevant University Secretary or Deputy Secretary (or their nominee) and the designated Vice-Principal. Where it is not possible for the Respondent to attend in person, they are entitled to make written representations.
- 45 Any decision to immediately suspend the Respondent is subject to review every twenty working days. Such a review will not involve a hearing or submissions made in person, but the student is entitled to submit written representations. Taking account of any written representations from the Respondent, and any other relevant factors, the University Secretary or Deputy Secretary or their nominee will decide whether it is reasonable and proportionate to retain the suspension, or to alter or remove it. The University Secretary or



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Deputy Secretary or their nominee will record their decision and inform the Respondent of the outcome in writing.

- 46 A decision to permit the Respondent's return following a period of suspension may be made subject to conditions. The University Secretary or Deputy Secretary or their nominee will provide the Respondent with information to support their reintroduction and any conditions which they need to meet.

Investigating student misconduct

- 47 The Conduct Investigator will investigate the alleged misconduct, in accordance with this Code. The Conduct Investigator will decide whether it is necessary to interview the Respondent. At the Conduct Investigator's discretion, investigation may also include interviews with the Reporting Party, members of staff and students of the University and, if necessary, members of the public. People may provide evidence to the Conduct Investigator in writing in addition to, or instead of, attending an interview. The Conduct Investigator may decide to interview or request evidence in writing from any individual on more than one occasion, where this supports their investigation.
- 48 As soon as practicable the Conduct Investigator will write to the Respondent to provide details of the alleged misconduct and, if appropriate, of the requirement to attend for interview. The Conduct Investigator will give the Respondent the opportunity to respond to the allegations and will invite the Respondent to admit or deny responsibility.
- 49 The Respondent is encouraged to contact Edinburgh University Students' Association, or the Secretary to the Student Discipline Committee for advice about the student discipline procedure.
- 50 Any person attending an interview as part of an investigation has the right to be accompanied and/or represented at any interview by a member of the University community, including a member of Edinburgh University Students' Association staff. A person attending an interview may in addition be accompanied by a specialist provider of health or wellbeing support with the agreement of the Conduct Investigator. The Conduct Investigator has the right to question the person directly, where necessary. Those accompanying or representing the person being interviewed will be given the opportunity to contribute at the Conduct Investigator's invitation. The Conduct Investigator invites the person being interviewed, or any representative, to make a statement. The Conduct Investigator may be assisted by a note-taker who will take a record of the meeting.
- 51 If the Respondent does not appear on the date appointed for their interview and the Conduct Investigator is satisfied that they have been given due notice to appear, the Investigator may deal with the alleged misconduct in their absence. However, the Investigator may not draw any adverse inference from the Respondent's failure to appear.
- 52 If the Respondent admits responsibility or if the Conduct Investigator is satisfied that the allegations are well-founded then disciplinary action may be taken.
- 53 After investigation, the Conduct Investigator decides whether the alleged misconduct has occurred, and whether it constitutes a breach of the Code of Student Conduct. The Conduct Investigator writes a report setting out the case and their decision on the alleged misconduct.



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The length and detail in the report is appropriate to the nature or gravity of the case. The Investigator may:

- a. Dismiss the allegation of misconduct, in which case the Conduct Investigator writes to the Respondent to confirm this and sends the Respondent a copy of the report; or
- b. Conclude that the allegation of misconduct is proven, and pass the report to a Student Discipline Officer for any disciplinary action to be taken; or
- c. Conclude that the allegation of misconduct is proven, and pass the report to the Secretary to the Student Discipline Committee for any disciplinary action to be taken.

Disciplinary action: Student Discipline Officers

- 54 The Student Discipline Officer receives the report of the case from the Conduct Investigator and sends the Respondent the Conduct Investigator's report. The Student Discipline Officer does not reinvestigate the case.
- 55 The Student Discipline Officer decides whether to take disciplinary action, and if so, what penalty to apply.
- 56 The Student Discipline Officer may decide to take disciplinary action without meeting the Respondent. Alternatively, the Student Discipline Officer may invite the Respondent to attend a meeting. The Respondent has the right to be accompanied and/or represented at the interview by a member of the University community, including a member of Edinburgh University Students' Association staff. The Respondent may in addition be accompanied by a specialist provider of health or wellbeing support with the agreement of the Student Discipline Officer. The Student Discipline Officer has the right to question the Respondent directly, where necessary. Those accompanying or representing the Respondent will be given the opportunity to contribute at the Student Discipline Officer's invitation. The Student Discipline Officer will be assisted by a note-taker who will take a record of the meeting.
- 57 The Student Discipline Officer will invite the Respondent, or any representative, to make a statement in explanation or extenuation of the misconduct or in mitigation of any possible penalty.
- 58 If the Respondent does not appear on the date appointed for the meeting and the Student Discipline Officer is satisfied that they have been given due notice to appear, the Officer may deal with the alleged misconduct and impose a penalty in the Respondent's absence. However, the Student Discipline Officer may not draw any adverse inference from the Respondent's failure to appear.
- 59 The Student Discipline Officer may decide that due to the nature or gravity of the case it is more appropriate for the Student Discipline Committee to take disciplinary action. They will discuss this with the Secretary to the Discipline Committee and, if this is agreed, will refer the case to the Student Discipline Committee for a hearing and will inform the Respondent. In this situation the Student Discipline Officer takes no disciplinary action.



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- 60 Student Discipline Officers may impose penalties in line with those established by the relevant Senate committee. In deciding what penalties will apply, the Student Discipline Officer will consider the Respondent's disciplinary record. The penalties are some or all of:
- a. a fine;
 - b. a reprimand;
 - c. suspension of specified privileges for a specified period that does not exceed three months (this may include suspension from the University Library, computing facilities, particular premises, placements);
 - d. require the Respondent to make good in whole or in part, the cost of any damage caused;
 - e. rescind the result of an assessment or examination diet, for academic misconduct offences;
 - f. impose an academic penalty in the case of an academic offence;
 - g. terminate the occupancy of University managed accommodation by any resident on giving a month's notice in writing. In the case of gross misconduct or misdemeanour, the Student Discipline Officer may order the termination of occupancy within 24 hours;
 - h. require the Respondent to write an approved apology to any wronged party;
 - i. place the Respondent "on probation" for a specified period not exceeding three months with relevant stated conditions (e.g. the requirement to attend specified training, which may be provided by the University).
- 61 If the Student Discipline Officer places the Respondent on probation, they will provide the Respondent with a statement outlining the conditions and length of their probation, and assign them to a key contact within the University, who will monitor their compliance with these conditions during the period of probation.
- 62 The Student Discipline Officer will inform the Respondent of the penalty decision within three working days of the decision and will remind them of their right of appeal (see paragraphs 95-99).
- 63 The Student Discipline Officer will send a record of the offence and the penalty to the Secretary of the Student Discipline Committee. Any assessment penalty under paragraph 60 is reported to the relevant Boards of Examiners.

Disciplinary action: Student Discipline Committee

Arrangements for Student Discipline Committee hearings

- 64 The Student Discipline Committee receives cases from Conduct Investigators and Student Discipline Officers. The Secretary of the Student Discipline Committee must agree that the nature or gravity of the case justifies action by the Student Discipline Committee.



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- 65 The Conduct Investigator provides the Student Discipline Committee with a report on the case, which includes copies of any documents referred to in, or pertinent to, the case. The Conduct Investigator also provides the Student Discipline Committee with the names and contact details of witnesses who may be called in support of the alleged misconduct.
- 66 The Secretary of the Student Discipline Committee writes to the Respondent, providing at least seven days' notice, requiring them to appear at a hearing before the Student Discipline Committee at a specified time and place. At the same time, the Secretary to the Student Discipline Committee sends the Respondent a copy of the Conduct Investigator's report, and a list of the witnesses that the Conduct Investigator plans to call to the hearing. Contact details of witnesses are not sent to the Respondent.
- 67 The Student Discipline Committee may hold physical hearings or virtual hearings. The Convener and Secretary of the Student Discipline Committee will make a decision about the nature of hearings with due consideration of fairness, accessibility and the ability of all involved to participate fully. Where the Respondent waives the right to a hearing, the Student Discipline Committee may decide a case based on written representations without holding a hearing.
- 68 If the Respondent wishes to admit the alleged misconduct in advance of the hearing, they may do so in writing to the Secretary of the Student Discipline Committee. They may then be required to appear before the Committee for the imposition of a penalty.
- 69 The Respondent may request a postponement of the hearing where they are unable to attend for good reason. Where possible, the Respondent should make their request for postponement at least one working day in advance of the hearing, providing their reasons and any relevant evidence to support their request. The Convener of the Student Discipline Committee will decide whether to postpone the hearing, taking account of the following factors:
- i) Whether there is evidence that the Respondent will be unavoidably unable to participate appropriately in the hearing on the appointed date due to ill health, lack of availability, or some other reason;
 - ii) The likelihood that the Respondent will be able to participate appropriately in a hearing on a subsequent date; and
 - iii) Whether it is likely to be possible to reschedule the hearing for a time at which the Respondent, the members of the Student Discipline Committee, the Conduct Investigator, and all witnesses (including the Reporting Party, where relevant) would be able to attend.
- 70 The Respondent may call witnesses to attend the hearing and, if intending to do so, must inform the Secretary of the Student Discipline Committee, at least two working days in advance of the hearing, of the names and contact details of their witnesses. The Respondent must also submit any documents which they wish to present to the Student Discipline Committee at least two working days in advance of the hearing.
- 71 The Student Discipline Committee may extend the time for intimating names of witnesses or submitting documents, and may adjourn, continue, or postpone a hearing at its discretion.



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- 72 The Student Discipline Committee may request additional information, for example medical evidence of a student's fitness to study.
- 73 The Respondent, the Reporting Party, or any witnesses (where they are in attendance) may be accompanied and/or represented at the hearing by another member of the University community, including a member of Edinburgh University Students' Association staff. The Respondent, the Reporting Party, or any witnesses (where they are in attendance) may in addition be accompanied by a specialist provider of health or wellbeing support with the agreement of the Convener of the Student Discipline Committee.
- 74 The Convener of the Student Discipline Committee may agree to make special arrangements to allow witnesses to give evidence to the Committee from a separate location, e.g. via video link. Any evidence provided to the Committee via special arrangements will also be made available to the Respondent.

Student Discipline Committee: Procedure at hearings

- 75 The Respondent (and any person accompanying or representing them) is entitled to attend for the duration of the hearing, except where the Convener of the Student Discipline Committee asks the Respondent to withdraw while the Committee deliberates. The Convener will invite any witnesses called, including the Reporting Party (where they are in attendance), to attend part of the meeting in order to give evidence, but they will not normally attend the duration of the hearing.
- 76 The Convener of the Student Discipline Committee will open the hearing by outlining the procedure at the hearing. The Convener will then read out the allegation(s) against the Respondent and will invite them to state whether they admit or deny the charges.
- 77 If the Respondent does not admit the alleged misconduct, the case against them will be presented by the Conduct Investigator at the hearing. The Respondent, and the members of the Student Discipline Committee have the right to question the Conduct Investigator, where necessary. The Convener of the Student Discipline Committee will invite any witnesses named by the Conduct Investigator (including the Reporting Party, where they are in attendance) to comment on the allegation of misconduct.
- 78 The Convener of the Student Discipline Committee will invite the Respondent (or their representative) to present their evidence. The Convener of the Student Discipline Committee will invite any witnesses named by the Respondent to comment on the allegation of misconduct.
- 79 The members of the Student Discipline Committee and the Respondent and/or their representative may examine, cross-examine, and re-examine witnesses. The Convener of the Student Discipline Committee may withdraw from the Respondent or their representative the right to examine, cross-examine, and re-examine certain witnesses, where it is reasonable and proportionate in the circumstances of the case. In cases relating to allegations of sexual misconduct, the Respondent or their representative will not normally be permitted to cross-examine the Reporting Party. Where the Convener of the Student Discipline Committee withdraws from the Respondent or their representative the right to cross-examine a witness or witnesses (including the Reporting Party), the Convener will make alternative arrangements in order to allow the Respondent or their representative to challenge the evidence presented by the witnesses. The members of the Student Discipline



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Committee also have the right to question the Respondent and/or their representative directly, where necessary.

- 80 The Conduct Investigator and the Respondent or their representative may make a final address, the Respondent or their representative having the last word.
- 81 The Conduct Investigator, the Respondent and any person accompanying or representing them, and any witnesses withdraw while the Committee considers its decision. The Committee's role is to decide whether the alleged misconduct has occurred, and whether it constitutes a breach of the Code of Student Conduct. The Secretary of the Student Discipline Committee records the Committee's decision and its reasons for reaching this decision.
- 82 If the Committee decides that the alleged misconduct is proved, the Respondent, or any representative, is invited to make a statement in explanation or extenuation of the misconduct or in mitigation of any possible penalty, before a penalty is imposed.
- 83 If the Respondent does not appear at the hearing on the date appointed and the Student Discipline Committee is satisfied that they have received due notice to appear, the Committee may deal with the alleged misconduct and, if it is found to be proved, impose a penalty in the Respondent's absence. However, the Student Discipline Committee may not draw any adverse inference from the Respondent's failure to appear.

Student Discipline Committee: Penalties

- 84 The Student Discipline Committee may impose penalties in line with those established by the relevant Senate committee. Penalties may be imposed on a "deferred" basis. In deciding what penalties will apply, the Student Discipline Committee will consider the Respondent's disciplinary record. The penalties are some or all of:
- a. a fine;
 - b. a reprimand;
 - c. suspension of specified privileges for a specified period that does not exceed one year (this may include suspension from the University Library, computing facilities, particular premises, placements; a bar on registering, matriculating, or graduating; or a complete suspension from study, research and attendance at the University) – see paragraphs 85 and 86;
 - d. require the Respondent to make good in whole or in part, the cost of any damage caused;
 - e. rescind the result of an assessment or examination diet or diets, for academic misconduct offences;
 - f. impose an academic penalty in the case of an academic offence;
 - g. terminate the occupancy of University managed accommodation by any resident on giving a month's notice in writing. In the case of gross misconduct or misdemeanour, the Student Discipline Committee may order the termination of occupancy within 24 hours;



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- h. require the Respondent to write an approved apology to any wronged party;
 - i. in relation to research misconduct in a research degree, the Respondent may be deemed to have failed the degree where the misconduct applies and/or will not be permitted to submit work for this or any other research degree of the University;
 - j. place the Respondent “on probation” for a specified period with relevant stated conditions (e.g. the requirement to attend specified training, which may be provided by the University);
 - k. immediate permanent exclusion from the University with no eligibility for re-admittance to the University on any course or degree programme.
- 85 Where the Student Discipline Committee imposes a suspension of specified privileges or a complete suspension, it may require the Respondent to meet specified conditions before the University ends the suspension. For example, in the event that medical circumstances formed part of the evidence of the case, the Student Discipline Committee may make it a condition of ending the suspension that the Respondent provide medical information confirming that they are fit to return to study. The Student Discipline Committee which imposes the suspension decides who (e.g. the University Secretary; a Deputy Secretary and a designated Vice Principal; the Student Discipline Committee) will decide whether the Respondent has satisfied any conditions.
- 86 If the University considers it necessary to extend a student’s suspension beyond a year then it is necessary to hold a new Student Discipline Committee hearing. This hearing does not need to take the same format as the original hearing, e.g. the membership could be different.
- 87 If the Student Discipline Committee places the Respondent on probation, it will provide the Respondent with a statement outlining the conditions and length of their probation, and assigning them to a key contact within the University, who will monitor their compliance with these conditions during the period of probation.
- 88 Any assessment penalty under paragraph 84 is reported to the relevant Boards of Examiners by the Secretary of the Student Discipline Committee.
- 89 In disciplining a student pursuing a course or programme leading directly to a qualification which confers authorisation to practise a profession (such as in Medicine, Nursing, Teaching or Veterinary Medicine) the Student Discipline Committee may consider the relevance of the misconduct in relation to the student’s fitness to practise that profession. The Committee may remit the case to the relevant Fitness to Practise Committee for action or advice.
- 90 The Secretary of the Student Discipline Committee informs the Respondent of the Committee’s penalty decision, with a written statement of the reasons for the decision, within three working days of the decision and reminds them of their right of appeal.
- 91 A summary of the offence, proceedings and the evidence heard and the penalty decision is kept by the Secretary of the Student Discipline Committee.

Deferred Penalties



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- 92 A deferred penalty is one which does not take effect immediately but which is postponed for a period of time during which the Respondent's conduct will continue to be monitored. When the Student Discipline Committee imposes a deferred penalty then the written statement informing the Respondent about the penalty will specify the period of the deferral and explain what will happen if the penalty needs to be put into effect. During the period of the deferred penalty, if the Respondent's conduct is called into question then they will receive a statement in writing that this conduct is being reported to the Student Discipline Committee. This statement may come from a Conduct Investigator, Student Discipline Officer or the Secretary of the Discipline Committee. Evidence of the misconduct is sent to the Student Discipline Committee and the Secretary of the Student Discipline Committee will offer the Respondent the opportunity to comment in writing on this evidence. The Secretary and Convener of the Student Discipline Committee decide whether the Student Discipline Committee needs to reconvene a meeting, with or without the Respondent, or whether the deferred penalty is put into immediate effect. If the penalty is put into immediate effect then the Secretary of the Student Discipline Committee will report this to the Student Discipline Committee. If the Respondent's conduct is not called into question during the period of the deferred penalty then, at the end of the period, the Secretary of the Discipline Committee will confirm to the Respondent that the penalty will not be imposed.

Standard of Proof

- 93 An allegation of misconduct can only be upheld if there is proof that the Respondent has engaged in the misconduct alleged.
- 94 The standard of proof that shall be used in all discipline cases is the balance of probabilities, which is the standard of proof that is used in civil law. This means that a Conduct Investigator, Student Discipline Officer or Student Discipline Committee will be satisfied that an event occurred if they consider that, on the evidence available, the occurrence of the event was more likely than not.

Appeals

www.ed.ac.uk/schools-departments/academic-services/staff/appeals/overview

- 95 If an allegation has been upheld, the Respondent may submit an appeal on the decision of the Student Discipline Officer or the Student Discipline Committee within ten working days of the decision being issued. The Respondent should submit any appeal to the Secretary of the University's Appeal Committee. The grounds for appeal are specified in the University's Student Appeal Regulations.
- 96 The appeal is handled under the University's appeal procedures.
- 97 The decision of the Appeal Committee is final and there is no further opportunity for appeal against that decision within the University.
- 98 If an appeal is upheld then the Appeal Committee will refer the student discipline case to either the Student Discipline Officer or Student Discipline Committee to review their decision.
- 99 Any penalties imposed by the Student Discipline Officer or Student Discipline Committee remain in force until the outcome of any review of the decision.



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Communication with the Reporting Party

- 100 The University will endeavour to provide the Reporting Party with as much information about the status and outcome of an investigation as is reasonably possible, including relevant information regarding any precautionary suspension imposed upon the Respondent. In determining what information to provide to the Reporting Party, the University will take account of the need to balance the interests of the Respondent, the Reporting Party, and any other witnesses, and the University's obligations under relevant data protection legislation.

Reporting and recording

- 101 The lead Secretary of the Student Discipline Committee keeps a record of student misconduct offences and penalties and informs the relevant Senate committee annually of all cases considered by Student Discipline Officers and the Student Discipline Committee.
- 102 Details of any discipline penalty imposed on a student are held on the relevant student's record.

Independent review

- 103 Once the appeal has been completed, the Respondent is entitled to ask the Scottish Public Services Ombudsman (SPSO) to look at their appeal. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the appeal process. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has handled the appeal. Information on how to complain to the SPSO will be provided to the student on completion of the appeal. Full information on the SPSO and on how it handles complaints can be found at the SPSO website: [Scottish Public Services Ombudsman](#).

24 January 2019