

# **University of Liverpool**

## Appendix B – Student Conduct Breaches and Indicative Sanctions

## 1. Categories of Breaches

- 1.1. The way in which the University of Liverpool categorises breaches of the Student Conduct Policy is by consideration of both the severity of the breach and the appropriateness of certain sanctions to certain types of breach. Sanctions listed are **indicative only**, non-exhaustive and will be applied on a case-by-case basis (i.e., considering the context of each breach), at the discretion of the disciplinary authorities.
- 1.2. There may be some circumstances where, if aggravating factors are present as outlined in section 2 of this document, the category of a breach may be increased and therefore subject to more severe sanctions. Similarly, there may be circumstances where, if mitigating factors are present as outlined in section 3 of this document, the category of a breach may be reduced and therefore subject to less severe sanctions.
- 1.3. The list of breaches that follows should not be seen as exhaustive: in cases where an alleged breach does not fit within one of the prescribed categories, the University Disciplinary Panel or Local Disciplinary Authority will use their discretion to determine the category of a breach.
- 1.4. Category 1 breaches are likely to be dealt with under Local Disciplinary Action procedures ([Appendix A - Student Conduct Procedures](#), Section 3) and may warrant the imposition of one or more of the following sanctions:
  - A formal written warning or a final written warning (for a repeated offence).
  - A fine, not exceeding £200 (which will normally be a suspended fine for a first breach)
  - A requirement, in the event of non-accidental or wilful damage to or loss of property, that such damage or loss be made good, either in whole or in part, limited to a total value of £1500
  - Withdrawal of access to specific University services or facilities or specific University premises (particularly any services, facilities or premises abused by the responding student) for a period not exceeding one month
  - Requirement to remove material published either in hard copy or electronically which is deemed to be inappropriate.
  - Requirement to undertake training or be re-trained in a relevant subject area (i.e. safe laboratory practice).
  - Such other penalty as may be deemed appropriate, provided that the sanction is both proportionate and relevant to the breach.
- 1.5. It is recommended that multiple occurrences of Category 1 breaches, or a repeated Category 1 breach after a Category 1 sanction has already been imposed, be considered as a Category 2 breach.

1.6. Category 2 breaches are likely to be considered by the University Disciplinary Panel and may warrant the imposition of one or more of the following sanctions:

- Appropriate Category 1 sanctions; and in addition:
- Final written warning
- Mandatory attendance at a workshop or course\* within a specified period, at the student's expense
- Restorative action such as a reflective statement or project\*
- Restricted ability to contact the complainant, where the complainant is a student or member of staff at this University.
- Requiring that the student does not represent the University in a paid or unpaid capacity for a specified period. This could include employment by the University on a contractual or casual basis\*\*, holding positions in University sports clubs, representing the University in sporting or other events, or voluntary roles such as student ambassador or similar.
- Recommending that the Guild of Students consider whether the student should continue to hold a role in Guild societies or be allowed to engage in Guild activities or enter Guild premises.
- Such other penalty as may be deemed appropriate, provided that the sanction is both proportionate and relevant to the breach.

\*Where a student is required to complete a workshop, course or restorative exercise, progression may be conditional upon its completion. This may result in a delay to graduation or progression to the next year of study. The University Disciplinary Panel will consider potential additional consequences when determining sanctions and ensure that the sanction remains proportionate.

\*\*Where a student is contracted to undertake paid employment for the University, action may also be taken under staff disciplinary procedures. Where this is the case, the University Disciplinary Panel should seek advice from HR before imposing this sanction.

1.7. It is recommended that multiple occurrences of Category 2 breaches, or a repeated Category 2 breach after a Category 2 sanction has already been imposed, be considered as a Category 3 breach.

1.8. Category 3 breaches will be considered by the University Disciplinary Panel and may warrant the imposition of one or more of the following sanctions:

- Appropriate Category 1 and 2 sanctions
- Suspension or permanent debarment from facilities or services provided by the University or from specific University premises.
- Suspension from studies
- A delay to graduation

- Termination of studies, with or without the right to an exit award and with or without the right to re-register for any further award of the University of Liverpool
- No right to an academic reference or a restriction on who can provide an academic reference.
- Following suspension of studies or termination of studies and where the student resides in University Accommodation, the student's accommodation may require suspending and or terminating
- Such other sanction as may be deemed appropriate, provided that the sanction is both proportionate and relevant to the breach.

1.9. The Panel may additionally recommend that the student seek support, advice or guidance from internal services or external agencies. Failure to seek such support will not result in disciplinary action, although failure to seek recommended support may not be used as a mitigating circumstance factor in any future disciplinary case.

1.10. It is recommended that multiple Category 3 breaches, or a repeated Category 3 breach after a Category 3 sanction has already been imposed, will result in more severe sanctions being imposed.

## **2. Additional Considerations – Aggravating Factors**

There may be certain circumstances in which a breach of the Policy is subject to a more severe sanction due to the presence of aggravating factors. An aggravating factor makes a breach more serious or the responding student more culpable. These factors could include, but are not limited to the following:

- Misconduct that is motivated by, or demonstrated discrimination towards others, in particular when related to protected characteristics under the Equality Act 2010
- Misconduct which directly or indirectly cause a physical injury.
- Misconduct which involves the use of violence/force/threats/intimidation and/or use of a weapon
- A repeated breach against the same individual(s)
- Misconduct for which a student has received a previous warning or sanction.
- Misconduct where there is an abuse of power and/or position of trust, for example breaches committed by a reporting party's mentor or group leader.
- Trying to blame the reporting party, despite evidence clearly supporting the responding student's proven behaviour.
- The misconduct was premeditated.
- The responding student was aware of the vulnerability of the reporting party
- Multiple reporting parties

- Breaches which are committed against family members, or someone currently or formerly involved in an intimate relationship with the reported student and may be considered to constitute domestic abuse.

2.1. Where a Category 1 breach may be considered to include aggravating factors, a person with Local Disciplinary Action authority will take advice on whether the case should be referred to the University Disciplinary Panel. The University Disciplinary Panel will use its discretion to impose appropriate sanctions on a case-by-case basis.

### **3. Additional Considerations – Mitigating Factors**

3.1. There may be certain circumstances in which a breach is subject to a less severe sanction due to the presence of mitigating factors. A mitigating factor is an extenuating circumstance in relation to the responding student or circumstances of an incident. These factors could include, but are not limited to the following:

- Breaches that could reasonably be perceived to have been committed without the intent to cause harm, damage, or upset.
- Isolated behaviour (no prior history of misconduct)
- Admitting the misconduct at the earliest opportunity
- The responding student has taken responsibility for their actions, expressed sincere remorse and intention not to do it again.
- The responding student acknowledged the impact their behaviour/actions has had on those affected.
- The misconduct was committed accidentally, by mistake, or was unintentional.
- The responding student attempted or offered to make amends following the misconduct.

3.2. The University does not consider being under the influence of alcohol or drugs at the time of the breach to constitute a mitigating factor. Breaches of the University's Student Alcohol and Drugs Policy may constitute an additional breach.

### **4. Financial Sanctions**

4.1. Financial sanctions (other than payment for wilful damage) will not usually be imposed upon a student unless there is no suitable alternative sanction available, or the non-financial sanction is considered either insufficient or overly burdensome for the breach in question.

4.2. Where a sanction includes a financial element, such as the requirement for a student to attend a training course or workshop at their own expense, and the student indicates that they are unable to meet the cost, the Chair of the University Disciplinary Panel may use their discretion to permit deferral of the cost to a future date or arrange for a payment plan to be put into place. Students should not be subject to a disproportionate sanction because of

their financial situation.

- 4.3. Where a financial sanction is imposed, including the requirement for the student to cover the cost of a training course or workshop, the student may appeal the sanction if they can provide sufficient evidence that the imposition of the sanction would have a disproportionate effect on them because of their financial situation. This is considered an appeal against the penalty as set out in [Appendix A - Student Conduct Procedure](#), section 18.

## 5. Criminal Convictions

- 5.1. If a student is convicted of an offence against another person which is likely to result in a custodial sentence of 12 months or more the PVC Education may take executive action to immediately terminate the student's studies following an investigation of the facts.

## 6. The Reporting Parties

- 6.1. Where there is a reporting party in a disciplinary case, the University Disciplinary Panel or Local Disciplinary authority will ensure that the views of the reporting party are considered when determining appropriate sanctions.

## 7. List of Misconduct Breaches and Indicative Sanctions

7.1	Physical Misconduct Breaches	Indicative sanction
A	Scratching or biting another person	Category 2 or 3
B	Pushing or shoving another person	Category 2
C	Tripping another person or causing them to fall	Category 2
D	Throwing another person	Category 3
E	Grabbing another person	Category 2 or 3
F	Choking another person	Category 3
G	Shaking another person	Category 2 or 3
H	Hair-pulling	Category 2 or 3
I	Slapping, punching, hitting or kicking another person	Category 3
J	Use of a weapon or object to hurt another person	Category 3
K	Use of restraints or one's body, size, or strength against another person	Category 2 or 3
L	Throwing or kicking an object or substance at a person, causing, or potentially causing distress and inconvenience	Category 1 or 2
M	Intentionally exposing another person to disease, harmful substances or anything which may reasonably cause a risk to their health and safety	Category 2 or 3
N	Repeated unwanted physical contact which is not deemed to be of a sexual nature	Category 1
O	Detaining another member of the University against their will or detaining any person on University property	Category 2 or 3
7.2	Sexual Misconduct Contact Breaches	Indicative sanction*

A	Sexual intercourse or engaging in sexual acts without consent** (sexual acts are defined as including, but not limited to, cunnilingus, fellatio, and masturbation)	Category 3
B	Attempting to engage in sexual intercourse or a sexual act without consent (includes attempting to engage in any of the acts described in 7.2A above).	Category 3
C	Kissing without consent (covers a range of potential breaches which vary in severity and may therefore vary in sanction – for example, the act of forcefully kissing another on the lips is likely to be subject to a higher penalty than the act of lightly kissing another on the back of a hand)	Category 2 or 3
d	Touching inappropriately, in what may reasonably be perceived to be a sexual manner, without consent (e.g., touching a person's clothes, hair or body; standing too close to a person; rubbing or brushing up against them)	Category 2 or 3
E	Any physical misconduct that is rooted in a sexist view of women, men or any gender may be considered additionally as sexual misconduct	Category 2 or 3
F	Any physical or sexual misconduct where there is or was an intimate relationship between the perpetrator and victim may be considered as an incident of domestic violence and subject to an increased penalty	Category 3
<b>Sexual Misconduct Non-contact Breaches</b>		
G	Sharing or creating private sexual materials in physical spaces (i.e., those made of an individual with the understanding that such material would not be shared) such as videos and photographs	Category 2 or 3
H	Sharing or creating public sexual materials in physical spaces (i.e., those pornographic materials that are widely available via media outlets) with the intention to sexually harass and/or incite gender-based violence	Category 2
I	Inappropriately showing sexual organs to another person, or inappropriately allowing sexual organs to be seen, in a physical space	Category 2 or 3
J	Repeated unwanted and unsolicited contact of a sexual nature with another person in person or by telephone	Category 1 or 2
K	Making unwanted remarks that may reasonably be perceived to be of a sexual nature (e.g., asking personal questions about sexual matters; making sexual comments about a person's body; telling sexual jokes or stories; making sexual comments or innuendo)	Category 1 or 2
L	Making unwarranted and unsolicited sex-based noises to another person (e.g. catcalling, wolf-whistling, sexual grunting or moaning)	Category 1 or 2
M	Any abusive behaviour misconduct that is rooted in a sexist view of women, men or any gender may be considered additionally as sexual misconduct (e.g., threats, abusive comments, acting in an intimidating and hostile manner)	Category 2 or 3
N	Any abusive behaviour misconduct where there is or was	Category 2 or 3

	an intimate relationship between the perpetrator and victim may be considered as an incident of domestic abuse and subject to an increased sanction	
O	Active complicity in any of the above contact or non-contact acts. Active complicity implies active promotion of the act and does not cover inaction or failing to prevent it)	Category 1 or 2
<b>Sexual Misconduct Online or Digital Breaches</b>		
P	Sharing or creating private sexual materials (i.e., those made of an individual with the understanding that such material would not be shared) online or in digital spaces	Category 2 or 3
Q	Sharing or creating public sexual materials (i.e., those pornographic materials that are widely available via media outlets) online or in digital spaces with the intention to sexually harass and/or incite gender-based violence	Category 2
R	Inappropriately showing sexual organs to another person, or inappropriately allowing sexual organs to be seen, online or in digital spaces	Category 2 or 3
S	Repeated unwanted and unsolicited contact of a sexual nature with another person by email, text message, social media or in any online or digital space ("repeated contact" in an online space constitutes repeated unsolicited contact in one digital platform or multiple unwanted contacts in numerous digital platforms)	Category 1 or 2
T	Storing or viewing inappropriate material on University IT equipment, as covered by the IT Services Department <a href="#">Regulations</a>	Category 2 or 3
U	Active complicity in any of the above online or digital breaches (active complicity implies active promotion of the breach and does not cover inaction or failing to prevent a breach)	Category 1 or 2

\*it is recommended that sanctions for allegations of sexual misconduct regardless of the category of indicative sanction, will always include a reflective, educational and/or restorative element. Examples of such sanctions are detailed under Category 2 breaches, 1.6 above.

\*\*The University uses the following definition of consent. Consent is agreement by choice where the individual has both the **freedom** and **capacity** to make that choice. Consent cannot be assumed on the basis of a previous sexual experience or consent previously obtained or from the absence of complaint. Each new sexual act requires confirmation of consent. Consent can be withdrawn at any time, including before or during the sexual act.

<b>7.3</b>	<b>Abusive Behaviour Breaches</b>	<b>Indicative sanction</b>
A	Use of inappropriate language	Category 1 or 2
B	Use of inappropriate verbal or non-verbal behaviour (e.g., shouting, gesturing) in a way that intimidates others	Category 1 or 2
C	Repeated unwanted and unsolicited contact with another	Category 1 or 2



	person, in person or by telephone	
D	Repeated unwanted and unsolicited contact with another person by email, text message, social media or in any online or digital space (“repeated contact” in an online space constitutes repeated unsolicited contact in one digital platform or multiple unwanted contacts in numerous digital platforms)	Category 1 or 2
E	Following another person unwantedly in physical spaces such as on campus, to their home or other physical locations	Category 2
F	Abusive comments relating to an individual’s sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability, or age	Category 2
G	Acting in an intimidating or hostile manner	Category 2
H	Threats to cause harm (physical, emotional, reputational) to another person	Category 2
I	Intentionally causing another person to perceive a physical threat (e.g., brandishing a knife or other weapon)	Category 2 or 3
J	Slander, libel, or publication of material deemed to be humiliating to an individual (in physical or online spaces)	Category 2
K	Distribution or publication of a poster, notice, sign, or any electronic publication which is offensive intimidating, threatening, indecent or illegal	Category 1, 2 or 3
L	Any behaviour which is considered to constitute bullying or harassment under the University’s Bullying and Harassment Policy	Category 1 or 2

<b>7.4</b>	<b>Property, Health and Safety Breaches</b>	<b>Indicative sanction</b>
A	Causing minor damage to University property or the property of students or employees of the University, or of visitors to the University	Category 1 or 2
B	Causing significant damage to University property or the property of students or employees of the University, or of visitors to the University	Category 2 or 3
C	Misuse of University property (e.g., computers, user accounts, ID cards, laboratory equipment, laboratory chemicals)	Category 1 or 2
D	Unauthorised entry onto or unauthorised use of University premises	Category 1 or 2
E	Taking property belonging to another without permission (including removal of equipment from laboratory settings).	Category 2 or 3
F	Act or omission that did cause or could have caused a health and safety concern on University premises (e.g., smoking cigarettes in non-designated areas, poor documentation in laboratory settings, ignoring Health and Safety policy)	Category 1
G	Act or omission that did cause or could have caused	Category 2 or 3

	serious harm or a serious health and safety concern on University premises or during University activities (e.g., disabling fire extinguishers; misuse of chemicals or equipment, ignoring Health and Safety policy with the capacity to put others at risk of harm)	
H	Theft of, or unauthorised use of, the intellectual property of the University or the intellectual property of students or employees of the University, or of visitors to the University	Category 1, 2 or 3
I	Unauthorised use of University systems	Category 2 or 3

<b>7.5 Alcohol and Drugs Breaches</b>		
A	Possession of a controlled drug (Class B or C) *	Category 1 or 2
B	Possession of a controlled drug (Class A) *	Category 2 or 3
C	Possession of a psychoactive substance (second breach)	Category 1
D	Possession of a controlled drug (second breach) or a psychoactive substance (three or more breaches)	Category 2 or 3
E	Supply of a controlled drug or a psychoactive substance	Category 2 or 3
F	Production of a controlled drug or a psychoactive substance	Category 3

\* The University reserves the right to consider a substance to be a certain type of controlled drug where, on the balance of probabilities, it is likely to be that controlled drug. This is likely to be the case where a student has positively identified the substance, or where they indicate that they obtained it on the premise that it was the controlled drug in question. Possession, supply, or production of a substance will only be treated as possession, supply, or production of a Class A controlled drug where it is identified as that controlled drug by the student or a suitably qualified individual or organisation.

<b>7.6 Fraud and Dishonesty Breaches</b>		<b>Indicative sanction</b>
A	Fraudulent production of University documentation (e.g., acceptance letters, transcripts, letters of recommendation, coursework receipts)	Category 3
B	Fraudulent use of the University's name, logo, or a University user account, or fraudulently claiming association with the University with the intention to deceive	Category 2 or 3
C	Submission of fraudulent information to the University (e.g., personal statement, grades, prior attainment, financial information, material submitted in support of an appeal, complaint, or claim)	Category 3
D	Intentionally defrauding the University, or a student or employee of the University, or a visitor to the University	Category 3
E	Acts, omissions, or statements intended to deceive the University (including using attendance codes when not in attendance or sharing attendance codes with others not in attendance)	Category 1,2 or 3
F	Vexatiously alleging the commission of a disciplinary act or	Category 3

	providing vexatious fraudulent or dishonest information during a disciplinary investigation	
G	Impersonation of another member of the University or intentional misrepresentation of status or identity	Category 2 or 3
h	Bribery or attempted bribery including but not limited to offering or giving money, gifts or any other advantage to any student or employee of the University, honorary staff, recognised teacher, or any visitor to the University with the intention of inducing that person to perform his/her role improperly or of rewarding that person for performing his/her role improperly.	Category 3

It is recommended that where breaches regarding fraud are brought, the usual category of breach will be Category 3. Exceptions may be made in cases involving mitigating factors (see 3 above).

<b>.8</b>	<b>University Operational Obstruction Breaches</b>	<b>Indicative sanction</b>
A	Improper interference with the activities of the University (including academic, administrative, sporting, and social) on University premises or elsewhere, resulting in minor inconvenience*	Category 1 or 2
B	Improper interference with the functions, duties or activities of any student or employee of the University, or any authorised visitor to the University, resulting in minor inconvenience*	Category 1 or 2
C	Disruption of the activities of the University (including academic, administrative, sporting, and social) on University premises or elsewhere	Category 2 or 3
D	Disruption of the functions, duties or activities of any student or employee of the University, or any authorised visitor to the University	Category 2 or 3
E	Acts, omissions, or statements resulting in the University being unable to fulfil its statutory or other responsibilities towards its students, staff, or visitors to the University	Category 2 or 3
F	Failure to declare a criminal charge or conviction, or involvement in an investigation that may lead to criminal charges, to the University	Category 1, 2 or 3
	<b>University Reputational Damage Breaches</b>	
G	Behaviour which has damaged, or could have damaged, the reputation of the University	Category 1 or 2
H	Behaviour which has caused serious damage, or could have caused serious damage, to the reputation of the University	Category 2 or 3
I	Behaviour which has damaged, or could have damaged, the University's relationships with the local community or other bodies or organisations	Category 1 or 2
J	Behaviour which has caused serious damage, or could	Category 2 or 3

	have caused serious damage, to the University's relationships with the local community or other bodies or organisations	
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*\*The University takes a case-by-case approach, but in cases of lawful, peaceful protest it would not normally take disciplinary action against students.*