

POLICY ON STUDENT CONDUCT AND DISCIPLINE – APPENDIX I
NON-ACADEMIC MISCONDUCT OFFENCES AND INDICATIVE SANCTIONS

1. Categories of Offence

- a) The way in which the University of Liverpool categorises non-academic misconduct offences is by consideration of both the severity of the offence and the appropriateness of certain sanctions to certain types of offence. Sanctions listed are **indicative only**, non-exhaustive and will be applied on a case by case basis (i.e. taking into account the context of each committed offence), at the discretion of the Board of Discipline.

There may be some circumstances where, if aggravating factors are present as outlined in 1(e) of this document, the category of an offence may be increased and therefore subject to more severe sanctions. Similarly, there may be circumstances where, if mitigating factors are present as outlined in 1(f) of this document, the category of an offence may be reduced and therefore subject to less severe sanctions.

The list of offences that follows should not be considered to be exclusive: in cases where an alleged offence does not fit within one of the prescribed categories, the Board of Discipline or summary jurisdiction authority will use their discretion to determine the category of offence.

b) Category 1 Offences

Category 1 offences are likely to be dealt with under summary jurisdiction procedures (Appendix D) and may warrant the imposition of one or more of the following sanctions:

- A formal reprimand
- A formal warning or a final warning (for a repeated offence)
- A requirement to make a written apology to any party concerned
- A fine, not exceeding £200
- 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 privileges (particularly any privileges abused by the offender) for a period not exceeding one month
- Requirement to remove material published either in hard copy or electronically which is deemed to be inappropriate
- Such other penalty as may be deemed appropriate, provided that the penalty is both proportionate and relevant to the offence.

Minor offences committed in University Residences are covered by Appendix E, Disciplinary Procedures for University Residences. Only those offences considered serious enough to be referred for formal investigation will be covered by the sanctions outlined in this appendix.

It is recommended that multiple occurrences of Category 1 offences, or a repeated Category 1 offence after a Category 1 sanction has already been imposed, be considered as a Category 2 offence.

c) Category 2 Offences

Category 2 offences are likely to be considered by the Board of Discipline and may warrant the imposition of one or more of the following sanctions:

- Appropriate Category 1 sanctions; and in addition:
- Mandatory attendance at a workshop or course* within a specified time 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 of time. 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 clubs or societies.
- Such other penalty as may be deemed appropriate, provided that the penalty is both proportionate and relevant to the offence.

*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 Board of Discipline 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 Board of Discipline should seek advice from HR before imposing this sanction.

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

d) Category 3 Offences

Category 3 offences will be considered by the Board of Discipline and may warrant the imposition of one or more of the following sanctions:

- Appropriate Category 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

- Such other penalty as may be deemed appropriate, provided that the penalty is both proportionate and relevant to the offence.

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

2. Additional Considerations

a) Aggravating factors

There may be certain circumstances in which an offence is subject to a more severe sanction due to the presence of aggravating factors. These factors could include, but are not limited to the following:

- Offences which are related to protected characteristics under the Equality Act 2010;
- Offences which directly or indirectly cause a physical injury;
- Offences for which a student has received a previous warning or sanction;
- Offences where there is a power relationship between the offender and the complainant, for example offences committed by a complainant's mentor or group leader; where this power is abused;
- Offences which are committed against family members, or someone currently or formerly involved in an intimate relationship with the accused, and may be considered to constitute domestic abuse.

Where a Category 1 offence may be considered to include aggravating factors, a person with summary jurisdiction authority will take advice on whether the case should be referred to the Board of Discipline. The Board of Discipline will use its discretion to impose appropriate sanctions on a case-by-case basis.

b) Mitigating factors

There may be certain circumstances in which an offence is subject to a less severe sanction due to the presence of mitigating factors. These factors could include, but are not limited to the following:

- Offences that could reasonably be perceived to have been committed without the intent to cause harm, damage or upset;
- The context surrounding a specific offence.

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

c) Financial sanctions

Financial sanctions (other than restitution 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 offence in question.

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 Board of Discipline 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 penalty because of their financial situation.

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, and is covered by Appendix C: Procedures for Convening a Board of Appeal.

d) Criminal convictions

Students are required to declare to the University if they are charged with or convicted of a crime; if they are subject to an investigation that may lead to them being charged with a crime; or if they receive a Police caution. The acquisition of a criminal record during their studies may lead to formal disciplinary action taken by the University. This requirement applies to all students, including distance learners, and to investigations, charges and convictions under any country's laws.

Where a student is charged with or convicted of a criminal offence; if they are subject to an investigation that may lead to them being charged with a crime; or if they receive a Police caution, the University may undertake a Risk Assessment Panel to determine whether any precautionary measures should be put in place in order to protect student, staff or public safety. Details of such measures are outlined in Appendix H, Risk Assessment Procedures.

The Risk Assessment Panel will consider whether the student should be referred to formal disciplinary proceedings as outlined in this Policy, based on the conduct leading to the conviction or charge, or due to reputational damage resulting from the conviction or charge. Any disciplinary proceedings will commence only after criminal proceedings have concluded.

Where a student has been convicted and received a custodial sentence, this will be considered during the Risk Assessment Panel. Receipt of a custodial sentence in excess of two years will normally be considered reason for immediate termination of studies.

e) The complainant

Where there is a complainant in a disciplinary case, the Board of Discipline or summary jurisdiction authority will ensure that the views of the complainant are considered when determining appropriate sanctions.

3. List of Non-Academic Misconduct Offences and Indicative Sanctions

3.1. Physical misconduct

3.1	Offence	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 or hitting 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

3.2 Sexual misconduct

**it is recommended that sanctions for sexual misconduct offences, 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 offences, 1(c) above.*

***The University adopts the legal definition of sexual consent: a person consents if s/he agrees by choice, and has the freedom and capacity to make that choice.*

3.2	Offence	Indicative sanction*
	Contact offences	
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.	Category 3
c	Kissing without consent (covers a range of offences 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	Category 2 or 3

	to a higher penalty than the act of lightly kissing another on the back of a hand).	
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 offence that is rooted in a sexist view of women, men or any gender may be considered additionally as a sexual misconduct offence.	Category 2 or 3
f	Any physical or sexual misconduct offence 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
Non-contact offences		
g	Sharing or creating private sexual materials (i.e. those made of an individual with the understanding that such material would not be shared) such as videos and photographs in physical spaces.	Category 2 or 3
h	Sharing or creating public sexual materials (i.e. those pornographic materials that are widely available via media outlets) in physical spaces 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 offence that is rooted in a sexist view of women, men or any gender may be considered additionally as a sexual misconduct offence (e.g. threats, abusive comments, acting in an intimidating and hostile manner).	Category 2 or 3
n	Any abusive behaviour misconduct offence where there is or was an intimate relationship between the perpetrator and victim may be considered as an incident of domestic abuse and subject to an increased penalty.	Category 2 or 3
o	Active complicity in any of the above contact or non-contact offences (n.b. active complicity implies active promotion of the offence and does not cover inaction or failing to prevent an offence).	Category 1 or 2
Online or digital offences		
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	Category 2

	outlets) online or in digital spaces with the intention to sexually harass and/or incite gender-based violence.	
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 (n.b. "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 Computing Services Department Regulations .	Category 2 or 3
u	Active complicity in any of the above online or digital offences (n.b. active complicity implies active promotion of the offence and does not cover inaction or failing to prevent an offence).	Category 1 or 2

3.3 Abusive behaviour

3.3	Offence	Indicative sanction
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 person in person or by telephone.	Category 1 or 2
d	Repeated unwanted and unsolicited contact with another person by email, text message, social media or in any online or digital space (n.b. "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

3.4 Property, health and safety

3.4	Offence	Indicative sanction
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).	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.	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).	Category 1
g	Act or omission that did cause or could have caused 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)	Category 2 or 3
h	Breach of the University's Alcohol and Drugs Policy.	Category 1, 2 or 3

3.5 Fraud and dishonesty

It is recommended that where charges of fraud are brought, the usual category of offence will be Category 3. Exceptions may be made in cases involving mitigating factors (see 2(b) above).

3.5	Offence	Indicative sanction
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 3
c	Submission of fraudulent information to the University (e.g. personal statement, grades, prior attainment, financial information).	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.	Category 3
f	Vexatiously alleging the commission of a disciplinary offence, or providing vexatious fraudulent or dishonest information during a disciplinary investigation.	Category 3

3.6 The University

3.6	Offence	Indicative sanction
	Operational Obstruction	
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
Reputational Damage		
f	Behaviour which has damaged, or could have damaged, the reputation of the University.	Category 1 or 2
g	Behaviour which has caused serious damage, or could have caused serious damage, to the reputation of the University.	Category 2 or 3
h	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
i	Behaviour which has caused serious damage, or could have caused serious damage, to the University's relationships with the local community or other bodies or organisations.	Category 2 or 3

**The University takes a case by case approach, but in cases of lawful, peaceful protest would not normally take disciplinary action against students.*

This document, along with the other appendices and the Policy on Student Conflict and Discipline, will be subject to review following one year of operation.