

UNIVERSITY OF LIVERPOOL

POLICY ON STUDENT CONDUCT AND DISCIPLINE

**Applicable to all cohorts of students
from 1st August 2017**

In the Policy on Student Conduct and Discipline and all Appendices the term “student” includes apprentices on degree apprenticeship programmes

Approved July 2017

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1. Introduction

- a) The University was founded with the aim of ‘the advancement of learning and the ennoblement of life’. An environment conducive to learning is one that preserves the freedom to learn, where academic, personal and professional standards are strictly upheld and where the rights, wellbeing, dignity and merits of every individual are respected.
- b) The purpose of the Policy on Student Conduct and Discipline is to set out the standards of conduct and behaviour required to maintain and protect an environment conducive to learning and which is in keeping with the values of the University.
- c) By joining the University community, students agree to abide by all its policies and procedures and to adhere to the standards of behaviour expected of every member of the University community. Other University policies and procedures which are connected to the Policy on Student Conduct and Discipline are set out below:
 - Student Charter
 - Fitness to Practise Procedures
 - Student Complaints Policy and Procedure
 - Dignity at Work and Study Policy and Procedure
 - Freedom of Speech
 - University Drugs Policy
 - Residencies Policies
 - Code of Practice on Assessment and its appendices
 - Code of Practice on Postgraduate Research Programmes
 - Library Regulations
 - Regulations for the Use of University IT Facilities
 - Sport Liverpool Regulations
 - Vehicle Parking Regulations
 - Health and Safety Codes of Practice
- d) There may be other documents, defined as part of any institutional collaborative partnership agreement, which describe the expectations of student conduct under a specific partnership which will be drawn to the attention of students as appropriate.

2. Procedures

This Policy includes a number of appendices which set out the various Procedures which underpin the terms of this Policy:

Appendix A – Procedures for Formal Student Disciplinary Investigations
Appendix B – Procedures for Convening a Board of Discipline
Appendix C – Procedures for Convening a Board of Appeal
Appendix D – Procedures for Student Disciplinary Summary Jurisdiction
Appendix E – Disciplinary Procedures for University Residences
Appendix F – Guidelines for Required Temporary Suspension during Disciplinary Procedures
Appendix G – Discipline Policy and Procedures for Online Students Studying with Laureate Online Education¹

¹ Drafting of this policy has been suspended pending further discussions

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Appendix H – Procedures for Convening a Student Conduct Risk Assessment Panel
Appendix I – List of Non-Academic Misconduct Offences and Indicative Sanctions

3. Purpose of the Policy

The purpose of the Policy is to:

- a) Describe the authority of the University to take action in order to uphold standards of student conduct;
- b) Describe the expectations of the University for the conduct of all students who fall under the scope of the Policy;
- c) Provide detailed procedures to be followed in the event of any conduct infringement by a student;
- d) Set out the rights of students who find themselves subject to disciplinary procedures;
- e) Set out the roles and responsibilities of those involved in administering the Policy and its Procedures.

4. Key principles in dealing with student conduct and discipline

The key principles underpinning this Policy and its Procedures are based on principles of natural justice which are that:

- a) The University will act fairly and reasonably in all circumstances;
- b) The University will follow its own procedures in all circumstances;
- c) Decisions which determine the guilt or otherwise of a student (or students) will be taken on the balance of probabilities;
- d) University disciplinary procedures are entirely distinct from the criminal justice system;
- e) Any penalty or punishment imposed as an outcome of a disciplinary procedure will be proportionate to the offence and, where appropriate, restorative or educative penalties will be considered.

5. Authority for disciplinary action

- a) The Senate will regulate and superintend the conduct and discipline of students and exercises this authority through those persons and bodies identified within this Policy. Any changes to this Policy and its Procedures shall be approved by the Senate and the Council.
- b) Authority for taking action for serious conduct infringements under this Policy is exercised by the Senate through the following bodies:

University Board of Discipline

University Board of Appeal

Laureate Online Education

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c) Authority to take action under this Policy for conduct infringements which are deemed to be less serious is exercised by the Senate through the following officers, within their own 'sphere of responsibility' under powers of summary jurisdiction:

- Members of the University's Senior Executive Team:
 - The Deputy Vice Chancellor
 - The Executive Pro-Vice-Chancellors and Associate Pro-Vice-Chancellors
 - The Pro-Vice-Chancellors

Pro-Vice-Chancellors have authority to impose a temporary suspension of study and/or clinical or work placement on a student should it be determined that there may be undesirable consequences for the wider community if the student were to be permitted to continue with normal University activities. A recommendation for such action would normally be made to a Pro-Vice-Chancellor by the Deputy Vice Chancellor (or nominee) following some form of risk assessment. Procedures for such action are found in Appendix F.

- Heads of areas of academic delivery:
 - Heads of Academic Schools and Institutes²
 - Directors of Professional Services:
 - University Librarian
 - Director of Computing Services
 - Director of Facilities, Residential and Commercial Services
 - Director of Facilities Management
 - Director of Sport Liverpool
 - Director of External Relations, Marketing and Communications
 - Director of Student Administration and Support
 - Director of English Language Centre
 - Head of Operations, London Campus
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 - Organisations or individuals acting on behalf of the University for the purpose of student discipline under a specific institutional agreement.
 - Laureate Online Education is also authorised to take action for less serious breaches of student conduct under the powers of summary jurisdiction.
 - It is the responsibility of all members of staff, honorary staff and recognised teachers of the University and invigilators (within their sphere of responsibility) to suppress any disorderly conduct by students that occurs on University premises, in the online classroom, on field trips, placements or any other relevant off-site location. Any such conduct should then be reported to the relevant area.
- d) The sphere of responsibility, limitation of powers of summary jurisdiction and Procedures for exercising summary jurisdiction are set out in Appendix D of this Policy.

²This includes the Heads of Clinical Schools at Level 1 in the Faculty of Health and Life Sciences (Medical School, School of Dentistry and School of Veterinary Science) on account of the relationship between student conduct, patient safety and fitness to practise.

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6. Scope of Policy

- a) All students studying on any campus of the University are subject to the provisions of this Policy and its Procedures including:
 - Students who have accepted an offer of a place at the University and who have arrived on campus to embark on their programme but who have not yet completed formal registration processes;
 - Students who have completed their programme of study and who have become graduands. No student with an outstanding disciplinary matter against them shall be permitted to graduate, including those students who have registered an intention to appeal against a disciplinary decision taken against them.
- b) Students studying for a University of Liverpool award who spend any time off campus (such as placement, year abroad/in industry, off-site research) will be subject to the provisions of this Policy and its Procedures.
- c) Students studying for a University of Liverpool award wholly online including those studying with Laureate Online Education.
- d) The disciplinary arrangements for students studying for a single University of Liverpool award or a joint award of the University with one or more institutional partners, under a specific collaborative agreement, will be made explicit in that agreement and students will be informed of these arrangements when they register.
- e) The University's disciplinary jurisdiction over students' conduct is not limited to that exercised solely on University premises or solely within term-time:
 - i. The Regulations for the Conduct of Examinations apply to overseas examination centres as well as those run at a University campus.
 - ii. Student behaviour off campus and displayed during vacations, weekends, evenings on placements and field trips, is subject to scrutiny under this Policy and its Procedures.
 - iii. Social activity of students including that conducted using social media or other forms of communication whether or not University IT systems are used, or whether or not it takes place during normal University opening hours, will be subject to scrutiny under this Policy and its Procedures.
- f) This Policy and its Procedures describes how students' behaviour in a social setting (for example in University or private residences, in the local or wider community, or on social media) may have consequences for their academic progress on their programme of study.
- g) 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 under this Policy and its Procedures. This requirement applies to all students, including

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distance learners, and to investigations, charges and convictions under any country's laws.

- h) The University will cooperate with Police and other law enforcement agency investigations, and in some circumstances may have a duty to or choose to share information with the Police where it is in the interest of student or public safety. Police investigations will normally take precedence over internal University disciplinary investigations which would not be initiated until the Police investigation is concluded, unless the status of the Police investigation is not clear, or the disciplinary case is based on different facts and matters to those under investigation by the Police
- i) If a student is convicted of a criminal offence through the criminal justice system, the University may initiate disciplinary proceedings based on the conduct or behaviour that the student has been found to have committed. The University will consider the impact and effect of the criminal offence in order to determine the sanction/s (if any) to be applied by the University.
- j) Where a student is accused of a disciplinary offence that may also constitute a crime under UK legislation, the University will only investigate the alleged disciplinary offence. For disciplinary offences, decisions which determine the guilt or otherwise of a student (or students) will be taken on the balance of probabilities, rather than the criminal justice principle of proving beyond reasonable doubt that the offence was committed. It is therefore possible that a student who has been acquitted by the criminal justice system may be found guilty of a disciplinary offence related to the same incident.
- k) Where a student is accused of a disciplinary offence that may also constitute a crime under UK legislation, but the complainant does not wish to report the incident to the Police, the University may undertake a disciplinary investigation as described in this Policy and its accompanying Procedures. The University has the power to initiate disciplinary procedures against a student without a formal complaint from the reporting party, provided there is sufficient evidence to bring a case against the student. In circumstances where the University judges that there is sufficient risk to members of the University community or the public, referral to the Police may occur without the consent of the reporting party.
- l) Where a student is accused of a disciplinary offence that may also constitute a crime under UK legislation, or is under investigation by the Police or other law enforcement agencies, the University may impose appropriate precautionary measures on the student before the Police or University investigation has concluded. The procedure for deciding appropriate precautionary measures is described in Appendix H, Risk Assessment Procedures.

7. Rules for student conduct

The following provides a substantive but not exhaustive list of activities which the University regards as constituting misconduct. More precise definitions and indicative sanctions for non-academic misconduct offences are detailed in Appendix I:

- a) Any breach of University Ordinances, Regulations, Codes of Practice or Policies;
- b) Obstruction or interference with the functions, duties or legitimate activities of any student or members of staff of the University, or any visitor to the University;
- c) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language (whether expressed orally, in writing or electronically including blogs, social networking websites and other electronic means);

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- d) Actions or behaviours that the University defines as sexual misconduct under Appendix I to this Policy;
- e) Distribution or publication of a poster, notice, sign or any electronic publication including audio-visual material, social media post, blog or webpage, which is offensive, intimidating, threatening, indecent or illegal;
- f) Any behaviour which could constitute discrimination or harassment on the grounds of sex, sexual orientation, gender, gender re-assignment, race, religion (including antisemitism³), disability or age of any student or member of staff of the University, honorary staff, recognised teacher or any visitor to the University;
- g) Fraud, deceit, deception or dishonesty in relation to the University, its staff, students or visitors;
- 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;
- i) Misrepresentation or falsification of pre-entry qualifications, previous study, work experience, or personal statement which emerges post-admission to a programme of study;
- j) Failure to declare a criminal conviction during the admissions process. Offences which are spent under the provision of the Rehabilitation of Offenders Act 1974 should also be declared as they may affect the right to practise for students following programmes leading to a professional qualification;
- k) Failure to inform the University using the prescribed procedures of receiving, whilst registered on a programme of study, a Police caution, charge or conviction (convictions for a motoring offence for which a fine and a maximum penalty of three points are imposed are excluded);
- l) Theft, misappropriation, unauthorised use or misuse of University property, or the property of its students, staff or visitors whilst on University premises or engaged in University business;
- m) Falsification of student attendance records, using either manual or electronic systems;
- n) Misuse of computers or the communications network, including the unauthorised use of the University logo or name, or any breach of the University's policies on the use of its information systems, including social media;
- o) Intentional or reckless damage or defacement to University property or the property of students, staff or visitors whilst on University premises or engaged in University business;
- p) Action which may cause injury or jeopardise the safety of others whilst on University premises or engaged in University business;
- q) Unauthorised possession or use on University premises or whilst engaged in University business of any firearm or dangerous weapon;
- r) Unauthorised or inappropriate use, whilst on University premises or whilst engaged in University business, of sporting equipment, toys or similar;
- s) Unauthorised use or occupation of University premises;
- t) Any breach of a University Tenancy Agreement;
- u) Failure to provide proof of identity when requested to do so;
- v) The possession, sale, supply or the misuse of any controlled drug on University premises;

³The University adopts the IHRA definition of antisemitism, "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." Find out more at

https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf

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- w) Failure to comply with any penalties or sanctions imposed as a result of the University's disciplinary procedures or contempt of those procedures;
- x) Any conduct which may be discreditable to the University or may bring the University into disrepute.

8. Rights, entitlements and responsibilities of students under this Policy

- a) Under this Policy and in line with the Student Charter and other University policies, the University acknowledges the rights of students and sets out expectations of how students will interact with the disciplinary procedures as follows:
 - Students will be treated fairly and consistently within the Procedures under this Policy;
 - Students will be provided with details of any allegations made against them which are subsequently investigated under the disciplinary procedures;
 - Students are entitled and will be given an opportunity to state their case and to be heard in any disciplinary hearing;
 - Students are entitled and will be given the opportunity to be accompanied at any disciplinary meeting or hearing;
 - Where a student makes a counter-claim against any allegation, the University will investigate this;
 - Students are expected to engage with any disciplinary procedures in a polite, courteous and prompt manner;
 - Students are expected to attend disciplinary meetings when invited to do so;
 - Students are expected to follow the disciplinary procedures and fulfil their responsibilities within them.
 - Where a student is accused of misconduct against another student, the University will provide the same level of support to both parties and, as far as is possible, will ensure that the parties have separate named contacts.

9. Constitution and terms of reference of the Board of Discipline

- a) Fifteen members of the academic staff of the University will be appointed to the Board of Discipline by the Senate; of these, six will be from the professorial staff. Each will serve a period of three years or for such shorter period as the Senate may determine. A member may be re-appointed for a further term of three years on one occasion only and this would normally be a consecutive appointment. In order to ensure appropriate rotation in membership of the Board of Discipline, at least two of the members will retire each year. No member should serve on the Board of Discipline for a period of more than six consecutive years.
- b) The Chair of the Board of Discipline will normally be the Pro-Vice-Chancellor for Education or, where s/he is unable to Chair a hearing, any one of the six professorial members of the Board of Discipline, nominated by the Pro-Vice-Chancellor for Education or by the Vice-Chancellor.
- c) The Student Representative Officers of the Guild of Students are elected by the members of the Guild each year. Exceptionally, in the event that no Student Representative Officer is available or all available Student Representative Officers have a potential conflict of interest in the case, a Guild Student Trustee may serve on the Board of Discipline in place of a Student Representative Officer. In such cases, the Secretary to the Board of Discipline will liaise with the senior staff of the Liverpool Guild of Students to identify and support this individual.

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- d) Boards of Discipline convened to hear student cases shall be constituted as follows:
 - i. The Chair
 - ii. Two members of the pool of fifteen members appointed by the Senate
 - iii. One Student Representative Officer
- e) The Secretary will be a member of the Deputy Vice Chancellor's Professional Services staff.
- f) A further member of the University's Professional Services staff may also be present as a Note-Taker.
- g) Occasionally, for the purposes of training new Investigating Officers, Secretaries to the Board of Discipline or Note-Takers, a member of the University's Professional Services staff in training may be present as an Observer, with the permission of the Chair of the Board of Discipline and with the consent of the student. An Observer will play no part in the hearing.
- h) A Board of Discipline is required to hear and determine charges referred to it by the Investigating Officer.
- i) The Board of Discipline may exercise its powers to impose penalties and other punishments.
- j) Where the Board of Discipline considers cases concerning students on professional programmes covered by the University's Fitness to Practise Procedures, the relevant Executive Pro-Vice-Chancellor will be advised of the outcome of the Board for further consideration under the Fitness to Practise Procedures.
- k) The Board of Discipline may, after consideration of a student's case, require further action of other University departments or services.

10. Constitution and terms of reference of the Board of Appeal

- a) The membership pool for the Board of Appeal shall comprise the following:
 - i. Two lay members appointed by the Council
 - ii. Two members appointed by the Senate
- b) Each will serve for a period of three years or for such shorter period as the bodies appointing them may determine. No member should serve on the Board of Appeal for a period of more than six consecutive years.
- c) The Chair of the Board of Appeal will normally be the President of the Council or another lay member of the Council nominated by the President, normally the Pro-Chancellor.
- d) Boards of Appeal convened to hear student appeals shall be constituted as follows:
 - i. The Chair
 - ii. One member of the Council
 - iii. One member of the Senate

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- e) The memberships of the Board of Discipline and the Board of Appeal will be such that no one person shall be a member of both Boards.
- f) The Secretary will be a member of the Deputy Vice Chancellor's Professional Services staff.
- g) A further member of the University's Professional Services staff may also be present as a Note-Taker.
- h) A Board of Appeal is required to hear and consider appeals submitted by students against decisions made by the Board of Discipline and by students who are studying wholly online with Laureate Online Education against the final decisions made by Laureate in relation to a student case.
- i) A Board of Appeal may uphold an appeal or dismiss an appeal and in so doing may confirm, set aside, increase, decrease or otherwise vary any penalty imposed by the Board of Discipline.

11. Reporting and recording of disciplinary matters

- a) An annual summary report on meetings of the Board of Discipline and Board of Appeal and actions taken under summary jurisdiction shall be made to the Senate and the Council and any other appropriate committee.
- b) All disciplinary action taken by parties listed above should be recorded.
- c) All disciplinary action taken under summary jurisdiction should be reported to the Academic Compliance Team in SAS.
- d) All records of students' disciplinary cases and risk assessments should be retained for a period of six years beyond the date the student leaves the University.