



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.

Contact Officer

Ailsa Taylor

Academic Services

ailsa.taylor@ed.ac.uk

Document control

Dates	Approved:	Starts:	Equality impact assessment:	Amendments:	Next Review:
	05.03.2013	01.08.15	28.5.13	24.04.14, 23.04.15, 24.09.18	2018/19

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,



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 Student Association (EUSA) 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. Which regulations take priority may be agreed in writing between the institutions. 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.

Student Conduct

- 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>



Code of Student Conduct

- 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.



Code of Student Conduct

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, EUSA 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 harassment of any Person whilst engaged in any University work, study or activity;
 - 12.4 Conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study or activity;
 - 12.5 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;
 - 12.6 Behaving in a way likely to cause injury to any Person or to impair safety;
 - 12.7 Harassing, victimising or discriminating against any Person on grounds of age, disability, race, ethnic or national origin, religion or beliefs, sex, sexual orientation, gender reassignment, pregnancy, maternity, marriage or civil partnership, colour or socio-economic background;
 - 12.8 Failing to comply with any University rule, regulation or policy;
 - 12.9 Assessment offences, including making use of unfair means in any University assessment or assisting a student to make use of such unfair means;
 - 12.10 Misconduct in research;
 - 12.11 Damaging, defacing, stealing or misappropriating University property or the property of any Person, whether deliberately or recklessly;
 - 12.12 Misusing or making unauthorised use of University premises or items of property, including IT facilities or safety equipment;
 - 12.13 Deliberately doing, or failing to do, anything which thereby causes the University to be in breach of a statutory obligation;
 - 12.14 Behaving in a way which brings the University into disrepute (without prejudice to the right to fair and justified comment and criticism);



Code of Student Conduct

12.15 Making false, frivolous, malicious or vexatious complaints;

12.16 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;

12.17 Failing to comply with a previously-imposed penalty under this Code;

12.18 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; 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 the Law

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 Secretary of the Student Discipline Committee is informed.

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 directly 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.



Code of Student Conduct

Staff involved in dealing with alleged misconduct cases

- 21 Staff 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.
 - 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 (EUSA) and current Student Discipline Officers are not eligible for membership of the Student Discipline Committee.



Code of Student Conduct

- 25 Student Discipline Committee members' period of office is three years, one-third of the members retiring each year. 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 six 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 his or her 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, he or she 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 It is possible to resolve some conduct allegations at an early stage. Staff who receive allegations through the routes outlined in paragraphs 30-32 may exercise their discretion on whether to resolve matters locally, for example intervening to stop poor behaviour in University buildings.
- 30 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. The Head of School, College, Service or Support Group (or their respective nominees) will report the allegations to a relevant Conduct Investigator and ask them to investigate the case. Cases of academic misconduct are investigated using the academic misconduct procedures.
www.ed.ac.uk/schools-departments/academic-services/staff/discipline/academic-misconduct
- 31 A student or a member of the public who wishes to make a complaint about the conduct of a student must use the Complaint Handling Procedure:
<http://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure>
If the complaint raises student misconduct issues then these will be taken forward by the University through the Code of Student Conduct. Staff with responsibility for the complaint and discipline procedures provide advice on which of the procedures should apply to relevant elements of the case.
- 32 In the spirit of frontline resolution, students may initially report allegations of student misconduct to their Personal Tutors, Student Support Teams or Supervisors. Where students 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. If local resolution is not possible, the student will be advised of how to make a complaint using the Complaint Handling Procedure.
- 33 The Conduct Investigator is usually a member of staff within the relevant School, College, Service or Support Group. Where the students come from different Colleges or where the



Code of Student Conduct

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.

Immediate suspension

- 34 Suspension pending a hearing is not used as a penalty. The power to suspend is to protect the members of the University community or a particular member or members, or members of the general public. The power shall be used only where it is urgent and necessary to take such action. Written reasons for the decision are recorded and sent to the student.
- 35 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 student:
- who is a danger to him or herself 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 student should have no contact with named individuals.

- 36 Any student 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 EUSA, to the relevant University Secretary or Deputy Secretary or their nominee and the designated Vice-Principal. Where it is not possible for the student to attend in person, he or she is entitled to make written representations.
- 37 Any decision to immediately suspend a student 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. A record of the review outcome is made and sent to the student.
- 38 Any decision to permit the student to return to the University following a period of immediate suspension will be sent to the student in writing. A decision to permit the student's return may be made subject to conditions. The student will be provided with information to support his or her reintroduction and any conditions which he or she needs to meet.

Investigating student misconduct

- 39 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 student. Investigation may also include interviews with the person who reported the alleged misconduct, 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.



Code of Student Conduct

- 40 As soon as practicable the Conduct Investigator will write to the student to provide details of the alleged misconduct and, if appropriate, of the requirement to attend for interview. The student is given the opportunity to respond and is invited to admit or deny responsibility.
- 41 The student under investigation has the right to be accompanied and/or represented at any interview by a member of the University community, including a member of EUSA. The Conduct Investigator has the right to question the student directly, where necessary. Those accompanying or representing the student will be given the opportunity to contribute at the Conduct Investigator's invitation. The Conduct Investigator invites the student, 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.
- 42 If the student does not appear on the date appointed and the Conduct Investigator is satisfied that he or she has been given due notice to appear, the Investigator may deal with the alleged misconduct in the student's absence. However, the Investigator may not draw any adverse inference from the student's failure to appear.
- 43 If the student admits responsibility or if the Conduct Investigator is satisfied that the allegations are well-founded then disciplinary action may be taken.
- 44 After investigation, the Conduct Investigator decides whether or not the misconduct has taken place and writes a report setting out the case and their decision on the alleged misconduct. The length and detail in the report is appropriate to the nature or gravity of the case. The Investigator may:
- Dismiss the allegation of misconduct, in which case the Conduct Investigator writes to the student to confirm this and sends the student a copy of the report; or
 - Pass the report to a Student Discipline Officer for disciplinary action; or
 - Pass the report to the Secretary to the Student Discipline Committee for disciplinary action.

Disciplinary action: Student Discipline Officers

- 45 The Student Discipline Officer receives the report of the case from the Conduct Investigator and sends the student the Conduct Investigator's report. The case is not re-investigated..
- 46 The Student Discipline Officer decides whether to take disciplinary action, and if so, what penalty to apply.
- 47 The Student Discipline Officer may decide to take disciplinary action without meeting the student. Alternatively, the Student Discipline Officer may require the student to attend a meeting. The student has the right to be accompanied and/or represented at the interview by a member of the University community, including a member of EUSA. The Student Discipline Officer has the right to question the student directly, where necessary. Those accompanying or representing the student 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.



Code of Student Conduct

- 48 The Student Discipline Officer will invite the student, or any representative, to make a statement in explanation or extenuation of the misconduct or in mitigation of any possible penalty.
- 49 If the student does not appear on the date appointed and the Student Discipline Officer is satisfied that he or she has been given due notice to appear, the Officer may deal with the alleged misconduct and impose a penalty in the student's absence. However, the Student Discipline Officer may not draw any adverse inference from the student's failure to appear.
- 50 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. He or she 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 student. In this situation the Student Discipline Officer takes no disciplinary action.
- 51 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 relevant student'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 student 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 student to write an approved apology to any wronged party.
- 52 The Student Discipline Officer will inform the student of the penalty decision within three working days of the decision and will remind the student of his or her right of appeal (see paragraphs 81-85).
- 53 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 52 is reported to the relevant Boards of Examiners.



Code of Student Conduct

Disciplinary action: Student Discipline Committee

- 54 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.
- 55 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 addresses of witnesses who may be called in support of the alleged misconduct.
- 56 The Secretary of the Student Discipline Committee writes to the student, providing at least seven days' notice, requiring the student to appear at a hearing before the Student Discipline Committee at a specified time and place. At the same time, the student is sent 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 student.
- 57 The student is encouraged to contact EUSA, his or her Personal Tutor or Supervisor, or the Secretary to the Student Discipline Committee for advice about the student discipline procedure.
- 58 The student may call witnesses to attend the hearing and, if intending to do so, must inform the Secretary of the Student Discipline Committee, at least 48 hours in advance of the time of hearing, of the names and addresses of his or her witnesses. Any documents which he or she desires to present to the Student Discipline Committee must be submitted no later than this time.
- 59 The Student Discipline Committee may hold physical hearings or virtual hearings. Decisions about the nature of the hearings will be made by the Convener and Secretary of the Student Discipline Committee with due consideration of fairness, accessibility and the ability of all involved to participate fully. 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. The Student Discipline Committee may request additional information, for example medical evidence of a student's fitness to study. With the agreement of the Convener and Secretary of the Student Discipline Committee, the Student Discipline Committee may also conduct business by correspondence after a hearing, where this is necessary in order to conclude a case. Where the Committee decides to do so, it will ensure that the student has fair access and a chance to comment on any new evidence introduced by correspondence.
- 60 The student may be accompanied at the hearing by another member of the University community, including a member of EUSA.
- 61 If the student wishes to admit the alleged misconduct in advance of the hearing, he or she may do so in writing to the Secretary of the Student Discipline Committee. He or she may then be required to appear before the Committee for the imposition of a penalty.
- 62 If the student wishes to challenge the relevancy or competency of the allegation of misconduct, he or she must do so in writing to the Secretary of the Student Discipline Committee at least 48 hours in advance of the time fixed for the hearing, and this shall be the first question to be decided by the Student Discipline Committee at that hearing. If the



Code of Student Conduct

challenge is upheld then the misconduct allegation is dismissed. The Student Discipline Committee may refer the matter for action under other University regulations if this is appropriate.

- 63 The Convener of 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 student and will invite the student to state whether he or she admits or denies the charges.
- 64 If the student does not admit the alleged misconduct and any challenge to the relevancy or competency of the allegation is dismissed, the case against the student will be presented by the Conduct Investigator at the hearing.
- 65 Any evidence provided by or on behalf of the student is then heard.
- 66 The members of the Student Discipline Committee and the student and/or his or her representative may examine, cross-examine, and re-examine witnesses. The members of the Student Discipline Committee also have the right to question the student and/or his or her representative directly, where necessary.
- 67 The Conduct Investigator and the student or his or her representative may make a final address, the student or his or her representative having the last word.
- 68 The Conduct Investigator, the student and his/her representative and any witnesses withdraw while the Committee considers its decision. The Secretary of the Student Discipline Committee records the Committee's decision and its reasons for reaching this decision.
- 69 If the Committee decides that the alleged misconduct is proved, the student, 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.
- 70 If the student does not appear at the hearing on the date appointed and the Student Discipline Committee is satisfied that he or she has 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 student's absence. However, the Student Discipline Committee may not draw any adverse inference from the student's failure to appear.
- 71 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 relevant student'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 72 and 73;



Code of Student Conduct

- d. require the student 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;
 - h. require the student to write in apology to any wronged party;
 - i. in relation to research misconduct in a research degree, the student 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 student "on probation" for a specified period with relevant stated conditions;
 - k. immediate permanent exclusion from the University with no eligibility for re-admittance to the University on any course or degree programme.
- 72 Where the Student Discipline Committee imposes a suspension of specified privileges or a complete suspension, it may require the student 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 student provide medical information confirming that he or she is 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 student has satisfied any conditions.
- 73 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.
- 74 Any assessment penalty under paragraph 71 is reported to the relevant Boards of Examiners by the Secretary of the Student Discipline Committee.
- 75 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.
- 76 The Secretary of the Student Discipline Committee informs the student 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 the student of his or her right of appeal.
- 77 A summary of the offence, proceedings and the evidence heard and the penalty decision is kept by the Secretary of the Student Discipline Committee.



Code of Student Conduct

Deferred Penalties

- 78 A deferred penalty is one which does not take effect immediately but which is postponed for a period of time during which the student's conduct will continue to be monitored. When the Student Discipline Committee imposes a deferred penalty then the written statement informing the student 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 student's conduct is called into question then the student 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 student is given 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 student, or whether the deferred penalty is put into immediate effect. If the penalty is put into immediate effect then this is reported to the Student Discipline Committee. If the student's conduct is not called into question during the period of the deferred penalty then, at the end of the period, the Secretary to the Discipline Committee will confirm to the student that the penalty will not be imposed.

Standard of Proof

- 79 An allegation of misconduct can only be upheld if there is proof that the student has engaged in the misconduct alleged.
- 80 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

- 81 A student 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. Appeals are submitted to the Secretary of the University's Appeal Committee. The grounds for appeal are specified in the University's Student Appeal Regulations.
- 82 The appeal is handled under the University's appeal procedures.
- 83 The decision of the Appeal Committee is final and there is no further opportunity for appeal against that decision within the University.
- 84 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.
- 85 Any penalties imposed by the Student Discipline Officer or Student Discipline Committee remain in force until the outcome of any review of the decision.



Code of Student Conduct

Reporting and recording

- 86 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.
- 87 Details of any discipline penalty imposed on a student are held on the relevant student's record.

Independent review

- 88 Once the appeal has been completed, the student 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](#).

23 April 2015