

Title:	Executive Summary: Consultation on amendments to Regulation XVII (Conduct and Discipline of Students) and the amendment/introduction of procedures to support the Regulation.
Author/Enquiries:	Matt Valentine (Student Conduct and Discipline Manager), Division of Campus Life
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Action Required:	For Consultation, via local committees (e.g. Faculty Teaching and Learning Committees (FTLC) or equivalent) – Deadline 7 th December 2018

1. Background

- 1.1 A review of the 2016 version of Regulation XVII was requested by the Student Conduct and Discipline Committee (SCDC). A Working Group was established to lead on the review. The Working Group proposed a number of amendments to Regulation XVII. The Working Group also identified, and agreed to initial drafts of, additional procedures that were required, or needed to be updated, to support the operation of Regulation XVII. Some of these procedures include content taken from the current Regulation XVII.
- 1.2 During September-October 2018, TLG, MDC and Senate, have each been provided with the proposed revised version of Regulation XVII. The re-draft of Regulation XVII, and the supporting procedures more generally, are now open for consultation.

2. Main updates to Regulation XVII

- 2.1 Some minor factual amendments to the Regulation were made in October 2018. The current version is available here: <http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=6530>
- 2.2 The main areas of extensive amendment coming out of the review include:
 - Substantive restructure, including the re-ordering of sections and the separation of procedural information.
 - Development of general principles that underpin student discipline.
 - Clarification around the scope of disciplinary action.
 - Review and expansion of the definitions of misconduct.
 - Amendment to whom might take summary disciplinary action.
 - Amendment to the potential routes of appeal.
- 2.3 In light of the level of changes, a tracked-changed version of the Regulation is not available. However a list of the changes is set out in detail at pages 3-5 of this document and the re-draft is available at pages 6-14.

3. Supporting Procedures

- 3.1. Academic Malpractice Procedure (page 15-22) – a substantially updated version of the Academic Malpractice: Procedure on the Handling of Cases (<http://documents.manchester.ac.uk/display.aspx?DocID=639>).
- 3.2. Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel (page 23-25) – a new document.
- 3.3. Procedure for Summary Disciplinary Action (page 26-31) – a new document building on best practice as to how panels dealing with less serious disciplinary matters should operate.
- 3.4. Procedure for the University Student Disciplinary Panel (page 32-37) – a new document building on best practice as to how panels dealing with very serious disciplinary matters should operate. The content incorporates some of the existing content primarily taken from paragraphs 19-38 of the current Regulation.
- 3.5. Procedure for Applying Student Discipline Penalties (page 38-49) – a new document. This incorporates some of the penalties already available under the current Regulation (paragraphs 9-10), but the penalty range has also been expanded.
- 3.6. Procedure for Suspending a Student (page 50-53) – a new document building on current practice.
- 3.7. Procedure for Handling Allegations of Sexual Misconduct (page 54-58) – a new document building on current practice.
- 3.8. Procedure for Student Criminal Offences (page 59-65) – a new document, but incorporating existing content taken from the Procedure for Dealing with Registered Students who are Convicted of a Criminal Offence (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=39974>).
- 3.9. Procedure for the Consideration of Allegations of Academic Malpractice or Research Misconduct made after Graduation in Respect of Work Submitted for an Award of the University (page 66-70) – an updated version of an existing Procedure (<http://documents.manchester.ac.uk/display.aspx?DocID=6197>). A tracked changes version of this Procedure is available.

4. Next steps

- 4.1 Faculties are requested to consider the proposed updates at their next FTLC (or equivalent) meetings and send back a consolidated response detailing any comments and feedback about the documents above, to Matt Valentine (matthew.valentine@manchester.ac.uk) by 7th December 2018.
- 4.2 Colleagues outside of Faculties who use, or are otherwise affected by changes to, the Regulation and supporting procedures can send a consolidated response back on behalf of their area to Matt Valentine by 7th December 2018.
- 4.3 The feedback will then be collated and considered in the production of the final versions of the documents, which will then be submitted to TLG, MDC and Senate in 2019.
- 4.4 This document, and the subsequent feedback summary, will also be uploaded online: <http://www.staffnet.manchester.ac.uk/tlso/news/consultations/>

Description of changes to the existing 2018 version Regulation XVII

A. New Section One (Scope)

- i. The re-drafted Section One is an amalgamation of Sections One (Powers) and Three (Scope and applicability) from the current version of Regulation XVII.
- ii. Paragraph 1 from the current version has been retained as 1.1 subject to some minor amendments: inserting the title of Statue XXI and “*via summary procedures*” in the final sentence.
- iii. Part of paragraph 4 from the current version has been retained within paragraph 1.2. However 1.2 now clarifies that student registration lasts until graduation and includes periods of leave. It also highlights the disciplinary procedure that can be enacted post-graduation.
- iv. Part of paragraph 4 referring to partner organisations has been included, and amended slightly in the new paragraph 1.3. Paragraph 1.3 also sets out the principle to be followed should a student go through an external organisation’s disciplinary process.
- v. Paragraph 1.4 in the re-draft is a new insertion. Generally the UMSU is responsible for taking action against its members for misconduct occurring on its premises. However there may be occasions when it may be necessary for a case to instead be referred to the University for consideration.
- vi. The original paragraph 5 has been re-worded and is now contained within 1.5 of the re-draft.
- vii. Paragraph 6 has been transferred to 1.6 in the re-draft.
- viii. Paragraph 7 has been removed as the scope of the Regulation is thought to be clear enough from the preceding paragraphs.

B. New Section Two (Definition of misconduct)

- i. The new section contains a large amount of content from the current Section Four (Definition of misconduct).
- ii. 8 (c and f) from the current Regulation have had some minor wording changes under 2(c and f)
- iii. 8 (g) from the current Regulation has been amended to become 2(h). The new wording allows for a broader pool of people with whom the University’s relationship or reputation might be damaged, to reflect the breadth of people whom the University has relationships with.
- iv. 8(h) from the current Regulation has been factually updated to reflect the Dignity at Work and Study Policy/Procedures (currently subject to a separate HR review) under 2(i).
- v. 8(i) under the current Regulation has been separated into 2(k), 2(n) and 2(q).
- vi. 8(j) has been changed to 2(r) and now refers only to misconduct in research, to allow for this type of misconduct to apply to any level of student.
- vii. 8(k) has been reduced to refer only to academic malpractice under 2(s), with academic malpractice to be further defined under the supporting Academic Malpractice Procedure.
- viii. 8(l) has been expanded to refer to the misuse or unauthorised use of University intellectual property.
- ix. New types of misconduct – 2(j) (to be further defined under the supporting Sexual Misconduct Procedure) and 2(l) (Social Media Policy for students still in the process of being developed).
- x. Other re-ordering – 8(l) = 2(g), 8(n) = 2(o), 8(o) = 2(p), 8(p) = 2(t).
- xi. 8(q) from the current Regulation has been removed, as this type of behaviour concern should be picked up via fitness to practice processes. 8(q) has been amended and now forms part of 3.8.

C. New Section Three (General Principles)

- i. This section contains mostly new content developed with paragraphs drafted from existing practice at the University, some excerpts from the current Regulation and research into practice at other institutions.

D. New Section Four (Misconduct that is a Criminal Offence)

- i. This has been moved from Section Ten (Misconduct that is also a Criminal Offence) from the current Regulation. The amendments have been minor in that there has been some re-ordering of the paragraphs and current paragraph 39(a) has been broken down in the new paragraph 4.2 to help with its readability.

E. New Section Five (Suspension pending a hearing).

- i. Part of the content within the new Section Five has been transferred from the current Section Eleven (Suspension of exclusion pending a hearing).
- ii. Paragraph 40 has become paragraph 5.1.
- iii. The option to exclude a student has been removed for clarity of terminology to help distinguish a precautionary (pre-discipline) action with the penalties open to disciplinary panels. Similarly suspension has been removed as a penalty. Section Five clearly states what suspension is, why such action may be taken and how it can be subject to qualification. Paragraphs 5.2 – 5.4 replace paragraphs 41 – 43.
- iv. Subject to a minor wording change replacing advisor with supporter, paragraph 5.5 reflects the existing content of 44.
- v. It is proposed that paragraphs 45 and 46 are replaced by paragraph 5.6 and 5.7. This retains the option for review and appeal. However 5.7 explains that the appeals process does not lead to Completion of Procedures.

F. New Section Six (Disciplinary Procedures)

- i. The revised section replaces the current Section Six (Disciplinary Procedures). The new section has been re-focussed on the process leading to a formal allegation of misconduct and how disciplinary action may be taken forward at a summary level or the University Student Disciplinary Panel (USDP) level.
- ii. In particular the new section:
 - a. Refers to the option of an Authorised University Officer conducting a preliminary investigation into an allegation of misconduct.
 - b. Distinguishes that a summary disciplinary level is for non-major misconduct but the USDP level is for more serious allegations.
 - c. Takes content from the current 15(e).

G. New Section Seven (Authority for Disciplinary Action)

- i. The revised section replaces the current Section Seven (Summary Procedures)
- ii. The description of disciplinary action open to Heads of Schools and Deans of Faculties under paragraph 7.1(a) has been shortened but should have the same breadth of scope as described under 15(a).
- iii. 15(b) has been updated both in terms of the types of misconduct covered but also a change of title from the General Manager to the Director of Residential and Sport Services.
- iv. 7.1(c) now empowers the Director of Student Admissions and Administration to take disciplinary action in respect of malpractice within centrally administered examinations. This reflects current practice.
- v. The current paragraph 16 has been removed, but with its content referred to in 3.10, 7.5 and within supporting procedure documents.
- vi. Paragraph 17 has been removed.
- vii. Paragraph 18 has been removed with some content referred to in 7.3 and the supporting penalty guidance.
- viii. Reference to the USDP being able to take action has been inserted at paragraph 7.2.
- ix. 7.4 is a new insert that refers to students on professional programmes.
- x. 7.5 is a new insert reinforcing the need to keep records of cases.

H. New Section Eight (Appeals)

- i. This section replaces Section Nine from the current Regulation. It now only refers to appeal being an option open to students and who might consider it. The procedural information in the current Regulation has been removed and incorporated into supporting procedural documents.
- ii. Under the current Regulation, there are four different appeal routes depending on who first took disciplinary action against a student. The rationale for this was unclear, and so with the aim of appeals being treated more consistently, it has been proposed that the current appeal routes under 33(a(ii) and iii) are moved, and that any appeals against summary decisions are dealt with by the Director of Teaching and Learning Support (currently 33(a)(i) – to change to 8.2(a)) and that any appeals against USDP decisions remain to be dealt with by Appeal Boards (currently 33(b) – to change to 8.2(b)).

I. Sections removed from the current Regulation

- i. Current Section Two (Student Conduct and Discipline Committee)
 - a. This section has been taken out of the Regulation and comprises a separate Terms of Reference document for the SCDC. The SCDC will retain the same remit and oversight of the Regulation as described at paragraph 2 of the current version but taking the section out allows for greater flexibility in the composition and organisational arrangements of the SCDC.
- ii. Current Section Five (Penalties)
 - a. The revised Regulation outlines that penalties can be imposed. However given the level of detail needed to explain the meaning and process underpinning each penalty, a separate Student Discipline Penalty Guidance document was produced. It was felt that this was comprehensive enough and meant that listing each penalty in the Regulation was not needed. Within the first draft of the Student Discipline Penalty Guidance document, a number of the existing penalties have been retained but some new penalties have been proposed. This document will still form part of the University consultation process during the first semester of 2018/19.
- iii. Current Section Eight (University Student Disciplinary Panel)
 - a. The handling of cases by the USDP was felt to be procedural information and so this section has been transferred and updated in a new draft supporting document: Procedure for University Student Disciplinary Panels.
- iv. Current Section 12 (Annual Report)
 - a. This section was considered to be operational and did not need to be included in the Regulation in full. Reference to the need to record, and be able to report, on cases has been stated at the new paragraph 7.5.

Regulation XVII

Conduct and Discipline of Students

Note: any reference in this Regulation to named officers should be read also as a reference in each case to a delegated nominee.

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1. Scope

- 1.1 Statute XXI (Conduct, discipline and academic progress of students) requires that every student shall maintain at all times and in all places an acceptable standard of conduct and shall comply with regulations made by the University or by the authorities of any institution or organisation which a student may be required to work in or visit as part of his or her prescribed programme of study. In accordance with Statute XXI, Senate has the power to expel or to suspend or to exclude from programmes of study or to impose a fine or other lesser penalty upon any student found guilty of misconduct or breach of discipline. Senate's power in this matter is delegated through this Regulation and through the Student Conduct and Discipline Committee to University Student Disciplinary Panels and via summary procedures.
- 1.2 The provisions of this Regulation define that behaviour which constitutes misconduct as it relates to students registered or studying at the University up until the point of graduation (including periods of leave) and the consequences of that misconduct. Post-graduation, the University reserves the right to take disciplinary action against former students in relation to suspected academic malpractice / research misconduct under the Procedure for the Consideration of Allegations of Academic Malpractice or Research Misconduct made after Graduation in Respect of Work Submitted for an Award of the University ([insert link](#)).
- 1.3 Where a student has a relationship both with the University and an external organisation, then the agreement that governs that relationship should make reference to what should happen in the event of alleged misconduct by the student. However this paragraph sets out some general principles. This Regulation does not normally apply to students registered at organisations on degree programmes validated by the University; such students are subject to the disciplinary procedures of the partner organisation. Should a student be engaged in an activity connected with their study at the University, for example, a study abroad placement, and the external organisation's disciplinary processes are instigated, then the University will usually transpose any penalty applied, to the same or a similar penalty available under this Regulation, or if considered necessary, it may conduct its own internal investigation and/or disciplinary hearing.
- 1.4 Misconduct within the University of Manchester Students' Union (UMSU) will normally be dealt with through UMSU's own procedures. Exceptionally, and after liaison with the Chief Executive

of UMSU, such misconduct may be subsequently referred by UMSU to the Registrar, Secretary and Chief Operating Officer of the University to be dealt with through this Regulation.

- 1.5 This Regulation applies to students studying or registered at the University at all times whether the alleged misconduct takes place on or off University premises. This covers not only misconduct off campus whilst engaged in formal university activities such as placements, field courses or sports tours but misconduct in other locations or settings that brings the University's reputation into disrepute, including the committal of a criminal offence.
- 1.6 The University shall take no account of misconduct prior to enrolling as a student, which has subsequently been revealed or is still in the process of being dealt with by other authorities, unless:
- a) the conduct is of such a serious kind and character that it raises questions about the fitness of the student to remain a member of the University, for example, with regard to the safety of other students; or
 - b) the conduct raises questions about the fitness of the student on a programme leading directly to a professional qualification or calling to be admitted to and/or practise that profession or calling.

2. Definition of Misconduct

The following list is indicative (but not exhaustive of) the types of offences which would constitute misconduct:

- a) conduct which disrupts, or improperly interferes with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
- b) conduct which obstructs, or improperly interferes with, the legitimate functions, duties or activities of any student, member of staff or authorised visitor to the University;
- c) violent, indecent, disorderly, threatening or offensive behaviour or language however expressed (including via social media) towards any student, member of staff or authorised visitor to the University;
- d) the distribution or publication of a poster, notice, sign or any material which is offensive, intimidating, threatening, indecent or illegal, including the broadcasting and electronic distribution of such material;
- e) fraud, deceit, deception or dishonesty in relation to the University or its staff or students or in connection with holding any office in the University, in a residents' association or equivalent body, in the Students' Union or the Athletic Union, or in relation to being a student of the University;
- f) action that did, or could, cause injury or impair safety on University premises;
- g) conduct which causes damage to or defaces University property or the property of any student, member of staff or authorised visitor to the University caused intentionally or recklessly, and/or misappropriation of such property;
- h) conduct which damages the University's relationship or reputation with its local communities or other bodies or organisations;
- i) discrimination, bullying, harassment and/or victimisation of any student, member of staff or authorised visitor to the University, as defined in the University's Dignity at Work and Study Procedure for Students ([insert link when ready](#));

- j) sexual misconduct (see the Procedure for Handling Allegations of Sexual Misconduct ([insert link when ready](#)));
- k) conduct which breaches the provisions of the University's Code of Practice on Freedom of Speech;
- l) conduct which breaches the University's Social Media Policy ([insert link when ready](#));
- m) the misuse or unauthorised use of University premises, intellectual property or items of property, including misuse of computers and the communications network or any other breach of the University policy on use of information systems;
- n) conduct which is a breach of any University Regulation, Policy, Procedure, Code and/or Agreement;
- o) conduct which may constitute a criminal offence where that conduct or the offence:
 - i. takes place on University premises; or
 - ii. affects or concerns other Members of the University; or
 - iii. damages the good name of the University; or
 - iv. itself constitutes misconduct within the provisions of this Regulation; or
 - v. is an offence of dishonesty, where the student holds an office of responsibility in the University, a residents' association, the Students' Union or the Athletic Union; or
 - vi. is such as to render the student unfit to practise any particular profession or calling to which that student's programme of study leads directly;
- p) failure to disclose name(s) and other relevant information to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
- q) the submission of a complaint found to be frivolous, vexatious or motivated by malice;
- r) misconduct in research;
- s) academic malpractice in connection with any examination or assessment (see the Academic Malpractice Procedure ([insert link when ready](#)));
- t) failure to comply with a previously-imposed penalty or reasonable instruction under this Regulation or any other University Regulation, Policy, Procedure, Code or Agreement.

3. General Principles

- 3.1 Students of the University are required at all times to conduct themselves with due regard for its good name and reputation and in a manner which demonstrates respect for the University, its staff, students, visitors and property and for other members of the local community in general.
- 3.2 By registering as a student, a student becomes a member of the University community and is then required to comply with the University's Ordinances, Statutes, Regulations, Policies, Procedures and Codes of Practice at all times.
- 3.3 This Regulation and its associated Procedures are intended to provide a clear, fair, and impartial process for dealing with allegations of student misconduct within reasonable timescales.
- 3.4 All conclusions at any level of investigation will find an allegation of misconduct proven if it is considered that the evidence presented identifies, on the balance of probabilities, that the student is culpable for the misconduct. Disciplinary hearings are not acting as a court of law; their remit is to consider alleged breaches of this Regulation.

- 3.5 In the interests of fairness, no single incident of alleged misconduct for any individual student shall normally be considered concurrently under more than one set of University Regulations, Policies or Procedures.
- 3.6 If two or more students are thought to be involved in the same incident of alleged misconduct, the decision may be taken to hear their cases together.
- 3.7 A student will not usually be granted an award, obtain certification of an award or attend a graduation ceremony whilst a case of alleged misconduct is in the process of being dealt with under the University's disciplinary processes. Any requests for this principle to be waived would need to be submitted by the student to the associated Authorised University Officer (AUO) (see section 7) or Chair of the University Student Disciplinary Panel (USDP) for consideration and whether the request is accepted will be dependent on the type and seriousness of the misconduct.
- 3.8 Any incidents of alleged misconduct which if proven would render a student who is enrolled on a programme of study leading directly to a professional qualification or eligibility for registration to practise, or the right to practice a particular qualification or calling not fit to be admitted to and practise that profession or calling shall normally be dealt with by the appropriate authority for the programme of study.
- 3.9 The University will have due regard towards maintaining confidentiality in relation to any disciplinary allegation and subsequent finding but, in order for a case to be considered fully, the content of the allegation and finding will need to be disclosed, on a need-to-know basis, to members of staff and students who are involved in putting the Regulation into effect, or whose input may otherwise be required to ascertain information relevant to a case, such as witness statements, requests for mitigation, previous offences, CCTV footage etc. A copy of the disciplinary casefile will be retained in accordance with the University's Records Retention Schedule. University staff may also refer to serious behavioural issues in references provided for students and similarly may disclose them to a professional body.
- 3.10 Any student who is the subject of disciplinary proceedings or has made an allegation of misconduct against a fellow student shall receive a fair hearing and shall have the opportunity to present their case at the hearing. The students may call witnesses and question witnesses upon whose evidence the case against them is based.
- 3.11 Any student who is the subject of disciplinary proceedings and is normally resident in the UK, and who is not registered on a distance learning programme is expected to attend the disciplinary hearing. Distance learning students, international students who are not resident in the UK and who have returned home and visiting/exchange students (including Erasmus students) who have returned to their home institutions are likely to be unable to attend a disciplinary hearing in Manchester. In circumstances such as these, students must be offered the opportunity to have their interview conducted via skype, video or teleconferencing facilities (or equivalent). If this is not possible, or the opportunity is declined, or no response is received within a reasonable timeframe, as described within the supporting procedures, (bearing in mind the student's location and any other relevant circumstances), it is reasonable to hear the case 'in absentia'. Students should also be offered the opportunity to submit written representations prior to the disciplinary hearing.
- 3.12 Where students withdraw from the University prior to the conclusion of disciplinary proceedings, or may be on a period of leave from the University when disciplinary proceedings are instigated, then the case will not normally go ahead in the student's absence unless it is considered reasonably necessary to do so. The University will resume any disciplinary proceedings should the student return to study at the University in the future.

3.13 A student may, and is encouraged to, be supported at a disciplinary hearing by a fellow student, a member of the University of Manchester Students' Union or member of staff of the University of his or her own choice, who may, at the discretion of the panel, speak on his or her behalf.

3.14 All parties are expected to comply with reasonable deadlines set by the University and advise the University about any difficulties they may face during the investigation in meeting any deadlines. Where students fail to respond or engage with a disciplinary process in a timely fashion, the University may proceed to reach conclusions in the absence of the student.

4. Misconduct that is a Criminal Offence

4.1 In cases where the alleged conduct would also constitute a criminal offence if proved in a court of law the University reserves the right to refer the matter to the police. However, if a person claiming to be the victim of a serious offence committed by a student does not wish the police to be involved, the Registrar, Secretary and Chief Operating Officer shall normally respect such wish.

4.2 Where a criminal offence, or alleged criminal offence, is considered by the Registrar, Secretary and Chief Operating Officer to be serious, and external police or court action is pending, the University will normally look to suspend the student from the University (see section 5 of the Regulation). Once the police or court action has concluded, the Registrar, Secretary and Chief Operating Officer will then decide whether disciplinary action under this Regulation should be taken. (Note: a serious offence is one that is likely to attract a custodial, including suspended, sentence if proved in a criminal court, or one that can be tried as a criminal offence only in the Crown Court.);

4.3 Where a criminal offence, or alleged criminal offence, is considered by the Registrar, Secretary and Chief Operating Officer to be less serious than that described under paragraph 4.2, disciplinary action under this Regulation may be taken, but such action may subsequently be deferred pending the conclusion of the police or court action;

4.4 Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same circumstances, the court's penalty shall be taken into consideration in determining the penalty under this Regulation.

4.5 Related Procedures:

- Procedure for Student Criminal Offences (insert link)

5. Suspension Pending a Disciplinary Investigation

5.1 A student who is the subject of a complaint of serious misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation may be temporarily suspended by the President and Vice-Chancellor pending the outcome of the investigation, or the trial and/or disciplinary action under this Regulation. The President and Vice-Chancellor may delegate his or her power under this paragraph, but a full report shall be made to him or her of any suspension under this section made by delegated authority.

5.2 Suspension pending disciplinary action is a precautionary act taken before the conclusion of a criminal investigation, criminal trial and/or action under this Regulation. Suspension does not imply guilt.

5.3 The power of temporary suspension granted to the President and Vice-Chancellor under paragraph 5.1 shall be exercised only where necessary to:

- a) protect a member or members of the University community;

- b) protect the property of the University or of a member or members of the University;
- c) protect the reputation of the University;
- d) avoid the repetition of the circumstances which led to the allegation;
- e) prevent any disadvantage to the suspended student (e.g. where bail conditions prevent the student's presence on campus);
- f) ensure that any alleged victims or potential witnesses are not subject to interference; and/or
- g) where the student's continued presence might be a source of disruption to the University or any part thereof.

Written reasons for the decision shall be recorded and made available to the student.

5.4 Suspension may include any or all of the following:

- a) restriction of access to the University or a specified part thereof;
- b) total or selective restriction on participation in University activities or access to university services (academic, residential, social or sporting facilities provided by the University) but may be permitted to sit University examinations;
- c) prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union; and/or
- d) no contact with a named person or persons.

5.5 Unless the matter is deemed to be urgent by the President and Vice-Chancellor, no student shall be suspended unless they have been given an opportunity to make representations to the President and Vice-Chancellor. The representations may be made in person or in writing, as the student chooses, and may be put forward by the student or through their supporter (see 3.13 above) or a representative. In cases deemed by the President and Vice-Chancellor to be urgent, a student may be suspended with immediate effect. In such circumstances, an opportunity will be given to the student to make representations as soon as reasonably practicable.

5.6 The suspension will however be reviewed every 20 working days in the light of any developments and of any written representations made by the student either personally or through the student's representative.

5.7 Should a student subject to an order of suspension wish to appeal against it, then they may do so by writing to the University's Chair of the Board of Governors. The suspension will remain in place pending the outcome to any appeal. The conclusion of any appeal is not viewed as the completion of the University's disciplinary procedures.

5.8 Related Procedures:

- Procedure for Suspending a Student is available at [\[INSERT LINK\]](#)

6. Disciplinary Procedures

6.1 Disciplinary procedures shall be initiated when an allegation of misconduct is brought against a student. The allegation shall be brought to the attention of the relevant AUO, as defined in 7.1 of this Regulation who shall undertake a preliminary investigation by whatever means they consider appropriate based on the circumstances of the case before deciding whether any further action shall be taken. The AUO may dismiss the allegations immediately if they consider there to be no case for the student to answer.

6.2 If the AUO determines that there is a case to answer and the allegation is non-major misconduct, then the allegation of misconduct may be dealt with summarily by the appropriate AUO.

6.3 If AUO is of the view that the allegation of misconduct is of such seriousness that the matter should be dealt with at a higher level (for example, where it is considered that the alleged offence might warrant a greater penalty than can be imposed by the AUO concerned) they

shall refer the matter to the Registrar, Secretary and Chief Operating Officer and the student shall be notified accordingly. In such cases the Registrar, Secretary and Chief Operating Officer shall decide whether the matter should be dealt with summarily or considered by the University Student Disciplinary Panel (USDP).

6.4 Related Procedures:

- The Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel [\[INSERT LINK\]](#)
- Academic Malpractice Procedure [\[INSERT LINK\]](#)

7. Authority for Disciplinary Action

7.1 The following AUOs, and their delegated nominees who may be identified as a case arises, are empowered to act summarily and to take disciplinary action against students:

- a) Heads of Schools and Deans of Faculties*
For breaches of this Regulation occurring as part of an activity forming part of a student's programme of study;
- b) Director of Residential and Sports Services*
For misconduct occurring within halls of residence and as part of University affiliated sports;
- c) The Director of Student Admissions and Administration*
For breaches of 2(s) of this Regulation arising in examinations administered by the Student Admissions and Administration Division;
- d) The Librarian*
For misconduct occurring on the Library premises;
- e) Chief Information Officer*
For misuse of the University's information systems;
- f) The Registrar, Secretary and Chief Operating Officer*
For any misconduct described in paragraph 2, normally where action needs to be taken in the absence of, or the misconduct is not covered by, an AUO listed above.

7.2 On referral of an allegation of major misconduct by an AUO to the Registrar, Secretary and Chief Operating Officer, a USDP may be convened to take disciplinary action.

7.3 When a student admits to breaching, or is found to have breached, the Regulation one or more penalties available to the AUO or USDP must be applied. The USDP has the largest range of penalties available to it, from a warning to expulsion; AUOs will be able to impose a subset of those penalties. The penalties available are described within the Procedure for Applying Student Discipline Penalties ([insert link when ready](#)). Any penalty applied will take immediate effect and will remain in place unless the outcome to an appeal directs otherwise.

7.4 Students on programmes leading to a professional qualification or registration should be aware that, even if a breach of the Regulation is first considered under the Regulation, further action may be taken through the appropriate authority for the programme of study if their academic School considers that the breach gives rise to fitness to practise concerns.

7.5 Appropriate records of cases, including case outcomes, reasons for the outcome and communication of the outcome to a student, should be retained by AUOs and USDPs and be available to report on anonymously to the Student Conduct and Discipline Committee and Senate.

7.6 Related Procedures:

- Procedure for Summary Disciplinary Action: [\[INSERT LINK\]](#)
- Procedure for the University Student Disciplinary Panel: [\[INSERT LINK\]](#)

8. Appeals

8.1 Following the conclusion of a disciplinary hearing, a student shall have the right to submit an appeal where they have been found to have breached the Regulation and had a penalty imposed.

8.2 The following officers are empowered to consider a student's appeal:

- a) Director of Teaching and Learning Support
In respect of summary action taken by an AUO.
- b) An Appeal Board
In respect of decisions taken by the USDP.

8.3 The appeals processes are explained in more detail in the Procedures linked to at paragraph 7.6 above.

9. Document control

Document control box	
Policy / Procedure title:	Regulation XVII (Conduct and Discipline of Students)
Date approved:	
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Related Statutes, Ordinances, General Regulations:	Statute XXI (Conduct, discipline and academic progress of students)
Equality relevance outcome:	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none">• Procedure for Student Criminal Offences• Procedure for Suspending a Student• Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel• Academic Malpractice Procedure• Procedure for Summary Disciplinary Action• Procedure for the University Student Disciplinary Panel• Procedure for Handling Allegations of Sexual Misconduct• Procedure for the Consideration of Allegations of Academic Malpractice or Research Misconduct made after Graduation in Respect of Work Submitted

	for an Award of the University <ul style="list-style-type: none"> • Procedure for Applying Student Discipline Penalties
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change
1 (could be more)	Unclear	
2	September 2011	Unclear
3	June 2013	Inserted reference to the Student Conduct and Discipline Committee (the body responsible for the oversight of conduct and discipline at the University)
4	June 2014	Insertion of new definition of misconduct 8(g): reputational damage and bringing the University into disrepute.
5	November 2016	Change to composition of the Student Conduct and Discipline Committee at paragraph 3: increase ten to twelve members of academic staff.
6	October 2018	Factual updates required e.g. name changes.
7	Xxx 2019	Significant review of Regulation XVII and the review and development of a number of supporting procedures.

Academic Malpractice Procedure¹

Content

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2. Academic integrity
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 - 3.1 Academic malpractice
 - 3.2 Poor academic practice
 - 3.3 Misconduct in research
4. Detection:
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 - 4.2 Unauthorised material in an examination
 - 4.3 Contract cheating
5. Case handling
6. Document control

1. Introduction

- 1.1. Paragraph xxx of Regulation XVII (Conduct and Discipline of Students) (insert link) (the “**Regulation**”) defines academic malpractice as a type of misconduct and which can therefore be subject to the University’s disciplinary processes.

2. Academic integrity

- 2.1. Academic integrity means honesty and responsibility in scholarship. Assessments exist to help students learn; grades exist to show how fully this goal is attained. Therefore all work and all grades should result from the student’s own understanding and effort. Academic integrity involves values such as avoidance of cheating or plagiarism; maintenance of academic standards; honesty and rigor in research and academic publishing.
- 2.2. It is the responsibility of the University to ensure that all students understand the academic requirements expected of them. As a minimum students should be made aware of academic integrity and academic malpractice through handbooks and online. In particular this Procedure should be available to students.
- 2.3. It is good practice for academic integrity to be highlighted to students throughout their programme and for students to be given the opportunity to think critically, to reflect, to construct and revise arguments and to proof-read.
- 2.4. The University can minimise the opportunity for academic malpractice by:
 - 2.4.1. Providing the information contained within this Procedure.
 - 2.4.2. Varying assessment tasks and topics from year to year.
 - 2.4.3. Using forms of assessment that require the demonstration of the understanding of knowledge rather than straightforward repetition of such knowledge.
 - 2.4.4. Requiring the production and submission of a draft or outline of large pieces of work; this allows useful formative feedback and an early opportunity to spot possible plagiarism or advise on academic integrity.

¹ Any reference in this Procedure to a named officer should also be read as a reference to their delegated nominee.

- 2.4.5. Submitting work through Turnitin (the University's plagiarism detection software) if possible. Whilst the default setting on Turnitin is that students cannot routinely submit their own work to Turnitin, academic staff can allow a trial session of submitting students' work to the University's plagiarism detection systems in order to demonstrate to students how work can be checked for originality.
- 2.4.6. Providing clear information on the expectations of work, assessment criteria and the assessment process.
- 2.4.7. Giving students the opportunity to engage with academic supervision where this is available for their level of study and assessment.
- 2.5. Study skills support should be available to students in their academic School. Support also exists within other areas of the University, such as My Learning Essentials (<http://www.library.manchester.ac.uk/using-the-library/students/training-and-skills-support/my-learning-essentials/>).

3. Definitions

3.1. Academic malpractice

3.1.1. Academic malpractice is any activity – intentional or otherwise - that is likely to undermine the integrity essential to scholarship and research. It includes plagiarism, collusion, fabrication or falsification of results, and anything else that could result in unearned or undeserved credit for those committing it. Academic malpractice can result from a deliberate act of cheating or may be committed unintentionally. Whether intended or not, all incidents of academic malpractice will be treated seriously by the University.

3.1.2. Types of academic malpractice include:

3.1.2.1. Plagiarism: the presentation, intentionally or unwittingly, of the ideas, work or words of other people without proper, clear and unambiguous acknowledgement. It includes the copying of the work of any other person, including another student. Plagiarism may include the close paraphrasing, or minimal adaptation of another person's words, illustrations, computer code, graph, diagrams etc. Sources can be any available material, such as websites, articles, books and lecture slides.

3.1.2.2. Self-plagiarism: the submission, in whole or in part, of a student's own work, where that work may have been submitted for a different assessment. Students who may look to use a previous piece of work or publication in a future piece of work should ensure that they properly reference themselves and the extent of such use should not be excessive.

3.1.2.3. Collusion: when a student or students permit or condone another students or students, to share a piece of work subject to assessment in order to gain a mark or grade to which they are not entitled. Students who allow another student to copy their work are also committing collusion and both the copier and the provider of the work are liable to be penalised.

3.1.2.3.1. The University does however allow collaboration where students work in groups as part of their programme of research or in the preparation of projects and similar assessments. The expectations and marking of the work should be made clear by the person setting the work and students

should ensure that they are able to identify their contribution to the piece of work.

3.1.2.4. Fabrication or falsification of data or results: the presentation or inclusion in a piece of work, by individual students or groups of students, of figures or data which have been made up or altered and which have no basis in verifiable sources; this may or may not involve other instances of academic malpractice.

3.1.2.5. Possession of unauthorised material in an examination: when a student intentionally or unwittingly possesses unauthorised material in an examination. The material need not be used during the examination or pertinent to an examination for this definition to be met.

3.1.2.6. Contract cheating: the commissioning of a piece of work by a third party. This may be where a student pays an essay mill for a piece of assessed work to be produced.

3.1.3. Indicators of types of academic malpractice may include:

3.1.3.1. Short to significant, or numerous, blocks of material or copied text expressing ideas or concepts taken from the work of others without appropriate citation or included in quotation marks.

3.1.3.2. Short to significant, or numerous, blocks of material or copied text which is referenced in the bibliography but is not properly cited.

3.1.3.3. Short to significant, or numerous, blocks of material or copied text that have been subjected to minor linguistic changes and presented as the student's own work, with or without citation.

3.1.3.4. Short to significant, or numerous, blocks of material or copied text that is cited but not in quotation marks.

3.1.3.5. Collusion between students as evidenced by structure, sources, short to significant or numerous blocks of copied text, (including copied text subjected to minor linguistic changes) or similar bibliographies.

3.1.3.6. Blocks of copied illustrations, computer code, graph, diagrams or other resource taken from another student or the work of others without appropriate referencing.

3.1.3.7. Unsubstantiated results or data.

3.2. Poor academic practice

3.2.1. Poor academic malpractice involves poor citation practice where there is evidence that the student did not appreciate the rules of academic writing or where the extent of copied material can be considered so slight that it does not justify disciplinary proceedings or a penalty. The work in question may include:

3.2.1.1. A limited amount of material or copied text expressing ideas or concepts taken from the work of others in the student's own words but without appropriate citation.

3.2.1.2. A limited amount of material or copied text which is referenced in the bibliography but is not properly cited.

3.2.1.3. A limited amount of material or copied text that has been subjected to minor linguistic changes with or without citation.

3.2.1.4. A limited amount of material or copied text that is cited but not in quotation marks.

3.2.1.5. Limited collusion between students as evidenced by structure, source or copied text; this includes cases where the written work is original throughout.

3.2.2. There is a higher likelihood that a student's early pieces of academic writing may contain unintentional plagiarism. This does not justify definite plagiarism, but examiners may wish to take this into account in borderline cases when deciding whether plagiarism or poor academic practice exists.

3.3. Misconduct in research

3.3.1. If a Postgraduate Research student is believed to have committed misconduct in research, rather than academic malpractice, then such allegations first need to be considered through the Code of Practice for Investigating Concerns about the Conduct of Research (<http://www.staffnet.manchester.ac.uk/services/rbess/governance/research-misconduct/>) ("**Code of Practice**"). The Code of Practice provides examples of what might be considered as research misconduct. If in doubt, the Head of Research Governance, Ethics and Integrity should be consulted.

3.3.2. If a Postgraduate Research student is found to have committed research misconduct through the Code of Practice, then a disciplinary referral should subsequently be made to the University Student Disciplinary Panel ("**USDP**").

4. Detection

4.1. General

4.1.1. Disciplinary action for academic malpractice can only be taken where a student has submitted an assessment containing the malpractice. Disciplinary action cannot be taken prior to submission. However if an academic member of staff notices malpractice in work prior to it being submitted, it is reasonable to expect that the member of staff would warn the student of the consequences of committing malpractice.

4.1.2. Most written assignments are submitted through Turnitin. This software allows the comparison of the work submitted for assessment, with other pieces of work or publications stored on Turnitin's database. Turnitin detects whether there is any similarity in the work to the other sources and produces a report showing where the similarity exists, the amount of similarity and a reference to the source.

4.1.3. It is expected that examiners of written assignments will:

4.1.3.1. Assess the Turnitin report to help determine whether academic malpractice may have occurred.

4.1.3.2. In cases of poor academic practice, mark the piece of work in the usual way taking account of the poor academic practice and provide feedback to the student.

4.1.3.3. In cases of suspected academic malpractice:

4.1.3.3.1. Acquire the original source material where possible and highlight what sections of the material have been taken by the student, cross referring to the material's location in the student's work.

4.1.3.3.2. Produce a brief report, explaining why they consider there to be malpractice in the student's work.

4.1.3.3.3. Continue to mark the work where possible as if the work does not contain academic malpractice. The mark should be withheld from the student pending any disciplinary action. It is acknowledged that marking can prove difficult in some cases especially when there is substantial academic malpractice. If examiners feel unable to mark the work then they should indicate the reasons why in their report.

4.1.3.3.4. Send the information above to an officer in the School ("**School Officer**"), usually an Academic Malpractice Officer or otherwise an Authorised University Officer (as defined in the Regulation).

4.1.4. The School Officer will decide whether there is poor academic practice in the work or potential academic malpractice. In the case of the former, the piece of work will be referred back to the examiner in question, with appropriate advice as to how to proceed. In the case of the latter, the School Officer should arrange for disciplinary action to be taken.

4.2. Possession of unauthorised material in an examination

4.2.1. Students are informed prior to the start of examinations that they should not have any unauthorised materials on their person. This might include a mobile phone, revision notes or anything else which could give them an unfair advantage in the examination compared to their fellow students. The material need not be pertinent to the examination for it to be unauthorised.

4.2.2. Some material may be permitted for an examination but this will have been confirmed to the student in advance of the examination.

4.2.3. Invigilators monitor the conditions of an examination, including the detection of unauthorised material. Where unauthorised material is detected, the preliminary details of this should be recorded, including the type and content of the material, the time it was found, the examination title and start time etc. Often students are asked to leave the examination at the point unauthorised material is detected whilst the above details are obtained and the material is confiscated, but they may later be allowed to return to complete the examination in the time remaining.

4.2.4. The student will then be asked to attend a post-examination interview with a member of staff at the Student Services Centre within the Division of Student Admissions and Administration ("**DSAA**") (if the examination was arranged centrally) or their academic School (if the examination was arranged locally). At the interview additional information will be sought from the student.

4.2.5. If it is agreed that an offence has likely been committed then the case will be referred on for appropriate disciplinary action.

4.3. Contract cheating

4.3.1. Contract cheating can be difficult to detect. If there is a reasonable suspicion that a student may have commissioned a piece of work from a third party, but there is no evidence of this, then in agreement with the School Officer a viva voce can be arranged to give the student the opportunity to demonstrate that they:

- 4.3.1.1. Produced the work;
- 4.3.1.2. Undertook the reading and research themselves;
- 4.3.1.3. Undertook the preparatory work themselves;
- 4.3.1.4. Understand what they have written.

4.3.2. If a viva voce is held, the following principles should be met:

- 4.3.2.1. If a viva voce is to be conducted it should not normally take place more than 30 days after the assessment feedback deadline.
- 4.3.2.2. The student should be given at least five working days notice of the requirement to attend the viva voce. An explanation of what a viva voce is, the purpose of it and the potential outcomes should be outlined in the invitation. It should be made clear that the viva voce is arranged due to the detection of potential academic malpractice and it is to allow the student an opportunity to demonstrate that the work is their own; it will not contribute to any mark obtained for the piece of work.
- 4.3.2.3. Two members of academic staff (at least one of whom must be a subject specialist) must conduct the viva voce; this will normally be the School Officer and the examiner of the assessment.
- 4.3.2.4. The student may be accompanied by a person of their choice for support only (normally a fellow student, member of staff or Students' Union representative). Any individual accompanying the student should under no circumstances participate in the viva voce.
- 4.3.2.5. Reasonable adjustments must be made to ensure that candidates with additional support needs are not disadvantaged for reasons relating to a long-term medical condition, sensory impairment, specific learning difficulty and /or disability.
- 4.3.2.6. The viva voce will not normally exceed 30 minutes.
- 4.3.2.7. In exceptional circumstances the viva voce can be conducted via video link.
- 4.3.2.8. Intensive questions are expected. The questions asked should provide the student with the opportunity to demonstrate that the work is their own.
- 4.3.2.9. An accurate record of the viva voce should be taken; this record may be used to form the evidence base for any future disciplinary hearing. It may be necessary for an administrative member of staff to be present at the viva voce to make the record. The student is entitled to have a copy of the record.

4.3.3. The viva voce can have one of two outcomes:

- 4.3.3.1. The staff conducting the viva voce will confirm that they accept that the student wrote the work in question; no further action will be taken. The work should then be marked on its own merit, if it has not already been marked.

4.3.3.2. If the staff conducting the viva voce still remain doubtful of the authorship of the work in question, or the student admits that it is not their work, then the case should be referred for disciplinary action. Any future disciplinary panel should not include the examiner or the same School Officer. The viva voce, in itself, will not result in a penalty being applied; a penalty can only be applied by a disciplinary panel.

5. Case handling

- 5.1. When it is agreed that there may be academic malpractice, the AUO should gather any information that may be relevant to the allegation. In particular, they should enquire as to whether a student has any previous offences for academic malpractice. This information is usually retained in the student's School record.
- 5.2. If an Undergraduate or Postgraduate Taught student is alleged to have committed a first offence of academic malpractice then this will usually be handled by a School-based Summary Disciplinary Panel ("**SDP**"). Second offences of academic malpractice should usually be dealt by a Faculty-based SDP. Postgraduate Research students being assessed in taught units will be treated similarly.
- 5.3. Cases of unauthorised material in centrally administered examinations are handled by SDPs arranged by the DSAA. The DSAA can consider first and second offences of a similar nature.
- 5.4. Third offences for Undergraduate or Postgraduate Taught students should be referred to the USDP. Cases of academic malpractice by Postgraduate Research students arising in the research element of their studies will be referred to the USDP.
- 5.5. A student at any level of study who is thought to have committed a significant academic malpractice can be referred to the USDP. In deciding whether a case is significant, any previously penalty applied may be also a consideration e.g. if an SDP has applied the highest penalty it could to a first offence, then a second offence may be referred to the USDP.
- 5.6. If an offence relates to multiple students, but for one or more students it is a subsequent offence, then all students should be treated at the same level as the subsequent offence.
- 5.7. Examples:
 - 5.7.1. A student has a first offence of academic malpractice on file for plagiarism. This was dealt with by a School SDP. A second offence of unauthorised material arises and so this is dealt with by an DSAA SDP.
 - 5.7.2. A student has a first offence of academic malpractice (unauthorised material) on file that was dealt with by an SDAA SDP. A second offence of academic malpractice (plagiarism) arises and so this is dealt with by a Faculty SDP.
 - 5.7.3. A Postgraduate Taught student is believed to have committed substantial plagiarism in a high credit bearing piece of work (dissertation). Although it is a first offence, it is considered to be significant and so is referred to the USDP.
 - 5.7.4. Three Undergraduate students are believed to have colluded in a piece of work. One of the students has a previous offence of malpractice on file from a School-based SDP. All three students are therefore referred to a Faculty-based SDP.

Related procedures:

- Procedure for Summary Disciplinary Panels (insert link)
- Procedure for the University Student Disciplinary Panel (insert link)
- Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel (insert link)

6. Document control

Document control box	
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Equality relevance outcome:	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> • The Procedure for Summary Disciplinary Action • The Procedure for the University Student Disciplinary Panel • The Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change
1		
2		
3		
4		
5		
6		
7		

Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel (“USDP”) (“Procedure”)¹

1. Paragraphs 6 and 7 of Regulation XVII (Conduct and Discipline of Students (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>) (“**Regulation**”) outline what action Authorised University Officers (“**AUOs**”) may take action under the Regulation.
2. On receipt of an allegation that a student has committed misconduct the AUO will determine whether the alleged misconduct should be dealt with summarily or if it is of such seriousness that the matter should be dealt with at a higher level and considered for onwards referral to the USDP. Examples of misconduct that would warrant referral to USDP are given in paragraph 5 of this Procedure.
3. The AUO will make their initial decision based on:
 - a) The nature of the misconduct;
 - b) The examples of offences in paragraph 5 of this Procedure;
 - c) Whether the alleged offence might warrant a greater penalty than can be imposed by the AUO concerned;
 - d) The evidence of the alleged misconduct;
 - e) Any statement of the student and/or any mitigation known to be present in the case; and/or
 - f) Whether the student has committed an offence or offences in the past.
4. Where the AUO considers that the misconduct could warrant referral to USDP, the Director of Campus Life (“**Director**”) must be contacted and sent an Allegation of Misconduct Form (insert link) which describes the nature of the misconduct and the reasons for assessing the alleged misconduct as necessitating referral to USDP. On behalf of the Registrar, Secretary and Chief Operating Officer, the Director will decide whether to:
 - a) refer the allegation of misconduct to the USDP for consideration;
 - b) refer the allegation of misconduct to the AUO, or alternative AUO, for summary consideration; or
 - c) recommend that formal disciplinary action should not take place or alternative processes are instead considered.
5. The following list of offences is indicative (but not exhaustive) of misconduct that warrants consideration by USDP:

¹ Any reference to a named officer in this Procedure should also be read as a reference to their delegated nominee.

Offences	Examples of unacceptable behaviour
Physical misconduct	<ul style="list-style-type: none"> • Injury is sustained by a third party • Choking or strangulation • Stamping on any part of body • Slapping, punching or biting another person • Sustained attack against one or more persons • Behaviour endangering others of self, e.g. throwing items out of windows, misuse of lifts.
Significant damage to property	Causing significant material damage to: <ul style="list-style-type: none"> • A University building; • University equipment; and/or • The property of any student, member of staff or authorised visitor to the University.
Serious health and safety concerns	<ul style="list-style-type: none"> • Setting off a fire extinguisher without due cause. • Removing a fire extinguisher. • Disabling fire safety devices such as smoke detectors or fire alarms. • Misuse of chemicals or equipment. • Allowing the discharge of incendiary items in the vicinity of others.
Operational obstruction	Acts, omissions or statements resulting in the University being unable to fulfil its statutory or other responsibilities towards any student, member of staff or authorised visitor to the University.
Fraud and dishonesty	<ul style="list-style-type: none"> • Fraudulent production of University documentation. • 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. • Submission of fraudulent information to the University. • Providing fraudulent or dishonest information during a disciplinary investigation.
Reputational damage	<ul style="list-style-type: none"> • Behaviour which has caused serious damage, or could have caused serious damage, to the University's relationship or reputation with its local communities or other bodies or organisations
Possession with intent to supply a controlled drug or psychoactive substance	<ul style="list-style-type: none"> • Supplying any controlled substance (category A, B or C) as listed under the Misuse of Drugs Act 1971 . • Supplying a psychoactive substance as per the Psychoactive Substance Act 2016.
Harassment	<ul style="list-style-type: none"> • Repeated harassment and/or bullying when already given a warning. • Conduct that significantly interferes with the work or studies of any student, member of staff or authorised visitor to the University. • Abusing individual(s) or the University itself via social media. • Threatening violence against another. • Posting or distributing inappropriate materials.
Sexual misconduct	<ul style="list-style-type: none"> • Sexual contact without consent. • Sharing private sexual images without consent. • Inappropriately showing sexual organs to another person.

Academic Malpractice	Subsequent offences, usually third offences for taught students and second offences for research students. When the malpractice content is considered to be substantial and takes place in a significant piece of work.
Misconduct in Research	Research students found guilty of misconduct in research following an investigation under the Code of Practice for Investigating Concerns about the Conduct of Research.
Failure to comply with a penalty imposed under previous disciplinary action	Where a student has, without good reason, failed to comply with a previously imposed penalty.

6. Document control:

Document control box	
Policy / Procedure title:	Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel.
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Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> • Statute XXI (Conduct, discipline and academic progress of students) • Regulation XVII (Conduct and Discipline of Students)
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Related policies/procedures/guidance:	<ul style="list-style-type: none"> • Academic Malpractice Procedure • Procedure for Summary Disciplinary Action • Procedure for the University Student Disciplinary Panel
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change

Procedure for Summary Disciplinary Action (“Procedure”)¹

Content

1. Introduction
2. Summary discipline arrangements
3. The Summary Disciplinary Panel (“SDP”) hearing
4. Appeals
5. Document control

1. Introduction

- 1.1. Section 7 of Regulation XVII (Conduct and Discipline of Students) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>) (the “Regulation”) permits certain members of the University (Authorised University Officers (“AUO”)) to consider, as part of summary procedures, alleged breaches of the Regulation by students. An AUO will reach a finding as to an alleged breach of the Regulation, and if this is found to have occurred, then a penalty from those available under the Procedure of Applying Student Discipline Penalties ([insert link](#)) will be imposed.
- 1.2. The University 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. Students specifically may seek independent and impartial advice and guidance when going through a disciplinary process from the Students’ Union Advice Service (<https://manchesterstudentsunion.com/top-navigation/advice-service/academic-advice>). The University’s support services are also detailed online: <http://www.studentsupport.manchester.ac.uk/>.

2. Summary discipline arrangements

- 2.1. In instances of non-major alleged breaches of the Regulation by students an AUO may instigate summary disciplinary procedures. Pending an SDP being convened, a student can be informed that a case of suspected misconduct is being referred to the SDP and that the SDP will be in contact with them in due course as per this Procedure.
- 2.2. If the person receiving the referral considers it appropriate, they shall arrange for a meeting of an SDP for the purpose of investigating and hearing evidence relating to the alleged breach of the Regulation. An SDP should usually be arranged within 20 working days of the referral being made and convene within 30 working days.
- 2.3. The SDP shall comprise two of the following, except that no person who is a party to the allegation² or is a potential witness at a hearing, shall be a member of the SDP:
 - A Chair. For academic or research malpractice allegations, the Chair should be an academic, as an academic judgement may be required to determine the substance of

¹ Any reference to a named officer in this Procedure should also be read as a reference to their delegated nominee.

² This meaning the person who originally detected the misconduct e.g. an examiner, rather than a person who agreed that there may be a case to answer.

allegations of this nature. For general misconduct allegations, the Chair can be a member of the Professional Services (“**PS**”)

- Another member of staff. For academic or research malpractice allegations, it is good practice for this member of staff to also be academic. For general misconduct allegations, the member of staff can be from the PS.

2.4. The SDP shall have a quorum of two members and shall have the power to co-opt additional members as necessary. Unless the SDP is being co-ordinated by a member of the SDP, the SDP may also be supported by a Secretary who is responsible for the administrative arrangements before and after the hearing and who can advise the SDP on procedural matters. A written record of a hearing should be made and so a note-taker may also be requested to attend. A Secretary and note-taker are not voting members of the SDP.

2.5. A student will receive an invitation to an SDP hearing five working days before the date of the hearing in order that they might prepare for it. The invitation will include details of the alleged breach of the Regulation, copies of the material that has prompted the referral and information pertaining to the arrangements for the hearing (including a link to this Procedure).

2.6. Attendance at a scheduled hearing is compulsory, however, in instances where a student is unable to attend in person for good reason (such as not being resident in the UK), the SDP will attempt to offer alternative means of participation in the hearing, such as by video or teleconference. If a student does not engage with the disciplinary process, or fails to attend, or participate in, the hearing without good reason, then the hearing may go ahead in the student’s absence on the basis of the information available; this may also constitute a further offence under the Regulation.

2.7. As the SDP may not have ready access to information pertaining to a student's disability, students should be asked in the invitation whether they are registered with the Disability Advisory and Support Service (“**DASS**”), and if so, whether they wish to request any reasonable adjustments to the disciplinary process. Any such requests will be considered by the SDP Chair and/or Secretary, in consultation with the DASS as required.

2.8. As per paragraph 3.13 of the Regulation, a student may attend the hearing with a person to support them. It is expected that the student will inform the SDP of who this is at least two working days before the date of the hearing. The SDP will normally want to hear from a student in his or her own words, but in some circumstances e.g. to provide an adjustment for a disability, the SDP may at its discretion allow the supporter to speak on the student’s behalf. As SDP hearings relate to non-major offences a supporter from outside the University will not normally be permitted.

2.9. A student will be offered the opportunity to submit a written response to the allegation. A student should submit with this statement any supporting evidence they consider supports their statement. For a statement to be considered by the SDP, it should be sent to the SDP at least two working days before the date of the hearing. No written submissions will be accepted on the day of the hearing, except at the discretion of the SDP.

2.10. Any reasonable objection to the membership of any person or persons comprising the SDP shall be made in writing to the SDP at least three working days before the hearing. The Chair of the SDP shall have power to decide upon the validity of any such objection and may agree to the appointment of an alternative member or members to the SDP. This may lead to the possibility of the SDP hearing being deferred to a later date.

2.11. An SDP hearing will usually go ahead on the basis of the documentary evidence collected from the party, or parties, who made the allegation against the student. However the SDP shall have power to require the attendance of any member of the University if it

has reason to believe such member of the University able to assist in its inquiry and is either best placed to present an allegation (a “**Case Presenter**”) or otherwise provide input to the hearing as a witness. It shall be the duty of the Case Presenter and/or witness to attend and give evidence accordingly. The SDP Chair may accept a Case Presenter’s or witness’ written statement in evidence where the student agrees that they need not attend, or where the SDP Chair accepts that it is impractical for them to attend, or where in the opinion of the SDP Chair it is not appropriate for them to attend.

- 2.12. A student subject to a hearing may also call witnesses and question witnesses upon whose evidence the case against him or her is based, but as per paragraph 2.11, it shall be at the SDP Chair’s discretion as to whether a witness is required for the SDP to conduct its business. A request from a student to call witnesses should be submitted to the SDP at least three working days before the date of the hearing. Any witnesses requested by the student, and accepted by the SDP Chair, will be provided with the case material so that they can contribute to the hearing.
- 2.13. If there is a valid reason as to why a witness may not feel comfortable in the presence of the student, then alternative arrangements should be offered to allow them to participate in the hearing e.g. by video- or tele-conference or with a physical divide in the room. As per paragraph 2.11, a written statement may be accepted in the absence of a witness.
- 2.14. Before a hearing, a student should not approach the SDP members (unless they are coordinating the arrangements for the hearing), Case Presenter or witnesses who have been identified as taking part in the hearing.
- 2.15. The SDP Chair has the power to adjourn the hearing to a future date, where they consider it is impractical for the hearing to go ahead as scheduled.

3. The SDP hearing

- 3.1. The SDP shall conduct its business in accordance the Regulation. Findings shall be made on the balance of probabilities and decisions may be by a majority. If voting is evenly split, then the decision shall be that which is most favourable to the student.
- 3.2. On the day of the hearing, the SDP will first meet in a private session to discuss any preliminary matters pertaining to the case at hand.
- 3.3. At the commencement of the hearing, the student, any supporter and Case Presenter will be invited to meet the SDP and an introduction to the hearing will be made by the Chair. The case will then normally proceed based on the steps as summarised below (any adjustment to which shall be at the discretion of the SDP as may be necessary):
 - 3.3.1. If a Case Presenter is in attendance, the allegation will first be outlined by them followed by an opportunity by both the SDP and the student to ask questions. If a Case Presenter is not in attendance, then the SDP Chair will draw attention to the information that forms the allegation against the student.
 - 3.3.2. The student is able to present their response to the allegation, after which the SDP and any Case Presenter may ask questions of the student.
 - 3.3.3. If a witness has been invited to attend then they will usually be brought into the hearing after steps 3.3.1 and 3.3.2 above to make a statement and to be asked questions. Where there are potential sensitivities to direct questioning of the witness by the student or Case Presenter, then questions should be put through the SDP Chair. The witness can then be released after the questioning is complete.

3.3.4. The student will have an opportunity make any final comments and to confirm whether they accept that a breach of the Regulation has occurred.

3.3.5. If necessary, the SDP will retire in private to discuss whether a breach of the Regulation has occurred. The student and Case Presenter will be brought back to hearing at the point a finding has been reached and will be informed of the decision. If it is determined at this stage that the case is more serious than first anticipated, then the SDP may adjourn at the point of reaching a finding, no penalty will be applied and the case shall be referred to the Division of Campus Life to determine whether an onwards referral to the University Student Disciplinary Panel is required.

3.3.6. In reaching a finding, the SDP will have due regard for the findings of any prior formal investigatory process in respect of:

- A finding of misconduct in research that has been established under the Code of Practice for Investigating Concerns about the Conduct of Research;
- A student complaint found to have substance under Regulation XVIII (Student Complaints Procedure) (insert link) or under the Dignity at Work and Study Policy/Procedure (insert link).
- Findings and penalties imposed through an investigatory process at an external organisation e.g. court, study abroad placement, employer.

3.3.7. A penalty from those available under the Regulation must be applied when there has been a finding that the Regulation has been breached and reasons for the penalty need to be documented. Before a penalty is applied, the student will be offered the opportunity to present mitigation and make any final comments. The SDP will also note at this stage if it is aware of any previous offences, formal requests for mitigation from around the time that the breach occurred and of any potential consequences that particular penalties may have on the student's progression. Guidance on penalties and their application is available via the Procedure on Applying Student Discipline Penalties (see paragraph 1.1 above).

3.3.8. The SDP will discuss in private what it considers to be the most proportionate penalty. Time permitting, there will normally be an announcement of the outcome to the student and Case Presenter at the end of the hearing.

3.3.9. The SDP may adjourn a hearing to another date if it is necessary for the SDP to reach a conclusion on the case. Depending on the stage of the hearing, it may only be necessary for the SDP to reconvene in private (including by electronic means).

3.4. Following the hearing, a written record of the hearing shall be made. A letter that confirms the decision, and reasons for it, shall be sent to the student within ten working days of the SDP reaching its final decision. A copy of the letter will be circulated in accordance with the Regulation.

3.5. If the disciplinary action arose following a formal complaint by another student and who has a substantial involvement in the case, then the SDP may inform the reporting student of the overall finding against the other student but they should not be provided with any sensitive information pertaining to the other student.

4. Appeals

4.1. Following a finding that the Regulation has been breached, the student shall have the right of appeal against both the finding and any penalty imposed as a consequence on one or more of the following grounds:

4.1.1. procedural irregularity in the operation of the SDP;

- 4.1.2. availability of new evidence which could not reasonably have been expected to be presented at an earlier stage;
 - 4.1.3. the disproportionate nature of the penalty.
- 4.2. Appeals against decisions of an SDP shall be submitted to the Director of Teaching and Learning Support (“**Director**”).
- 4.3. Appeals need to detail the grounds on which the appeal is being made and must be submitted in writing by the student concerned to the Director within ten working days of the date on which written notification of the SDP decision was sent to the student. A request for an appeal received after this time shall be granted only at the discretion of the Director where there is good cause shown for the late appeal.
- 4.4. Upon an appeal being accepted for consideration, the Director will usually reach a decision within 20 working days of the appeal being accepted for consideration.
- 4.5. The Director does not re-hear a case afresh, but considers whether the initial hearing and outcome were fair by, as appropriate:
- 4.5.1. reviewing the procedures followed;
 - 4.5.2. establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented to the original hearing and that this evidence is material and substantial to the findings;
 - 4.5.3. reviewing the penalty imposed.
- 4.6. The Director shall seek to deal with the case on the basis of documentary evidence and may, at their discretion, call a meeting to which the appellant is invited to present his or her appeal in person. In such an event, the appellant may be accompanied to the meeting as permitted at paragraph 2.8 of this Procedure. The meeting will close after the appeal has been presented. After the meeting, the Director will consider the student’s oral statement alongside the documentary material in order to reach a decision. The Director may also submit requests for information to a student or to other areas of the University if such information is necessary to reach a conclusion on the appeal.
- 4.7. The Director has the authority to confirm or set aside the finding, and to confirm, set aside, reduce or increase the penalty. Exceptionally, if a procedural irregularity or new evidence that is material and substantial has been found to exist by the Director, they may refer the case back for consideration to a newly constituted SDP.
- 4.8. The student will receive a Completion of Procedures letter outlining the final decision and the reasons for it. The decision of the Director shall be final and there shall be no further opportunity for appeal against their decision within the University.
- 4.9. Students who believe that their case has not been dealt with properly by the University or that the outcome is unreasonable may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) if the complaint is eligible under its rules and once all internal procedures have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the Students’ Union Advice Service or from the OIA website: www.oiahe.org.uk.

5. Document control

Document control box	
Policy / Procedure title:	Procedure for Summary Disciplinary Action
Date approved:	
Approving body:	TLG and MDC

Version:	1
Supersedes:	N/A
Previous review dates:	N/A
Next review date:	
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> • Statute XXI (Conduct, discipline and academic progress of students) • Regulation XVII (Conduct and Discipline of Students)
	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> • Academic Malpractice Procedure • Procedure for the University Student Disciplinary Panel • Procedure for Applying Student Discipline Penalties • Code of Practice for Investigating Concerns about the Conduct of Research
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change

Procedure for the University Student Disciplinary Panel (“USDP”) (“Procedure”)¹

Content

1. Introduction
2. USDP arrangements
3. The USDP hearing
4. Appeals
5. Document control

1. Introduction

- 1.1. The USDP is empowered under Regulation XVII (Conduct and Discipline of Students) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>) (the “**Regulation**”) to consider alleged major breaches of the Regulation by students. The USDP will reach a finding as to an alleged breach of the Regulation, and if this is found to have occurred, then a penalty from those available under the Procedure of Applying Student Discipline Penalties ([insert link](#)) will be imposed.
- 1.2. The University 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. Students specifically may seek independent and impartial advice and guidance when going through a disciplinary process from the Students’ Union Advice Service (<https://manchesterstudentsunion.com/top-navigation/advice-service/academic-advice>). The University’s support services are also detailed online: <http://www.studentsupport.manchester.ac.uk/>.

2. USDP arrangements

- 2.1. In instances of major alleged breaches of the Regulation by a student at any level of study, an Authorised University Officers (“**AUO**”) (as defined under paragraph 7 of the Regulation) may complete and submit a Student Discipline Referral Form ([insert link when available](#)) to the Director of Campus Life (“**Director**”) (acting on the delegated authority of the Registrar, Secretary and Chief Operating Officer).
- 2.2. If the Director considers it appropriate, they shall arrange for a meeting of the USDP for the purpose of considering the alleged breach of the Regulation. The Director will normally arrange a meeting of the USDP within 20 working days of the referral being made and for it to convene within 30 working days of the referral being made. Pending a USDP being convened, a student can be informed that a case of suspected misconduct is being referred to the USDP and that the Secretary will be in contact with them in due course as per this Procedure.
- 2.3. In instances where the Director considers the alleged breach is non-major or not otherwise appropriate to refer to the USDP, then they may recommend that a case is instead considered through an alternative process e.g. via summary action, or not at all.

¹ Any reference to a named officer in this Procedure should also be read as a reference to their delegated nominee.

- 2.4. The USDP shall comprise any five of the following, except that no person who is a party to the allegation² or is a potential witness at a hearing, shall be a member of the USDP:
- An academic Chair (selected from the eligible membership of the Student Conduct and Discipline Committee). The Chair must be present for the USDP to be quorate.
 - Any member of the Student Conduct and Discipline Committee.
 - Any academic member of staff, drawn from a list established for the purpose by the Student Conduct and Discipline Committee.
 - Any member of the Students' Union Executive Team or other registered student of the University as nominated by the Students' Union.
- 2.5. The USDP shall have a quorum of any four members and shall have the power to co-opt additional members as appropriate. The USDP shall be supported by a Secretary who is responsible for the administrative arrangements before and after the hearing and can advise the USDP on procedural matters. A written record of a hearing should be made and so a note-taker may also be requested to attend. A Secretary and note-taker are not voting members of the USDP.
- 2.6. A student will receive an invitation to a USDP hearing ten working days before the date of the hearing in order that they might prepare for it. The invitation will include details of the alleged breach of the Regulation, copies of the material that has prompted the referral and information pertaining to the arrangements for the hearing (including a link to this Procedure).
- 2.7. Attendance at a scheduled hearing is compulsory, however, in instances where a student is unable to attend in person for good reason (such as not being resident in the UK), the Secretary will attempt to offer alternative means of participation in the hearing, such as by video or teleconference. If a student does not engage with the disciplinary process, or fails to attend, or participate in, the hearing without good reason, then the hearing may go ahead in the student's absence on the basis of the information available; this may also constitute a further offence under the Regulation.
- 2.8. As the USDP may not have ready access to information pertaining to a student's disability, students should be asked in the invitation whether they are registered with the Disability Advisory and Support Service ("**DASS**"), and if so, whether they wish to request any reasonable adjustments to the disciplinary process. Any such requests will be considered by the USDP Chair and/or Secretary, in consultation with the DASS as required.
- 2.9. As per paragraph 3.13 of the Regulation, a student may attend the hearing with a person to support them. It is expected that the student will inform the Secretary of who this is at least two working days before the date of the hearing. The USDP will normally want to hear from a student in his or her own words, but in some circumstances e.g. to provide an adjustment for a disability, the USDP may at its discretion allow the supporter to speak on the student's behalf. A supporter from outside the University may be requested by a student at USDP level hearings; whether the request is accepted will be at the discretion of USDP Chair and a decision will be based on the complexity of the case, seriousness of the offence, ability of the student to present their case and the need for fairness between the parties.
- 2.10. A student will be offered the opportunity to submit a written response to the allegation. A student should submit with this statement any supporting evidence they consider supports their statement. For a statement to be considered by the USDP, it should be sent to the Secretary at least two working days before the date of the hearing.

² This meaning the person who originally detected the misconduct e.g. an examiner, rather than a person who agreed that there may be a case to answer.

No written submissions will be accepted on the day of the hearing, except at the discretion of the USDP.

- 2.11. Any reasonable objection to the membership of any person or persons at least five working days before the hearing. The Chair of the USDP shall have power to decide upon the validity of any such objection and may agree to the appointment of an alternative member or members to the USDP. This may lead to the possibility of the USDP hearing being deferred to a later date.
- 2.12. The USDP shall have power to require the attendance of any member of the University who it has reason to believe is able to assist in its inquiry and is best placed to present the allegation ("**Case Presenter**"). It is expected that there will be a Case Presenter in attendance at USDP level hearings. The USDP may also request the attendance of any other person, in the capacity of a witness, if such attendance is material to the case. It shall be the duty of the Case Presenter and/or witness to attend and give evidence accordingly. The USDP Chair may accept a Case Presenter's or witness' written statement in evidence where the student agrees that they need not attend, or where the Chair accepts that it is impractical for them to attend, or where in the opinion of the Chair it is not appropriate for them to attend.
- 2.13. A student subject to a hearing may call witnesses and question witnesses upon whose evidence the case against him or her is based but it shall be at the USDP Chair's discretion as to whether a witness is required for the USDP to conduct its business. A request from a student to call witnesses should be submitted to the Secretary five working days before the date of the USDP. Any witnesses requested by the student, and accepted by the USDP Chair, will be provided with the case material so that they can contribute to the hearing.
- 2.14. If there is a valid reason as to why a witness may not feel comfortable in the presence of the student, then alternative arrangements should be offered to allow them to participate in the hearing e.g. by video- or tele-conference or with a physical divide in the room. As per paragraph 2.12, a written statement may be accepted in the absence of a witness.
- 2.15. Before a hearing, a student should not approach the USDP members, Case Presenter or witnesses who have been identified as taking part in the hearing.
- 2.16. The USDP Chair has the power to adjourn the hearing to a future date, where they consider it is impractical for the hearing to go ahead as scheduled.

3. The USDP hearing

- 3.1. The USDP shall conduct its business in accordance the Regulation. Findings shall be made on the balance of probabilities and decisions may be by a majority. If voting is evenly split, then the decision shall that which is most favourable to the student.
- 3.2. On the day of the hearing, the USDP will first meet in a private session to discuss any preliminary matters pertaining to the case at hand.
- 3.3. At the commencement of the hearing, the student, any supporter and Case Presenter will be invited to meet the USDP and an introduction to the hearing will be made by the Chair. The case will then normally proceed based on the steps as summarised below (any adjustment to which shall be at the discretion of the USDP as may be necessary):
 - 3.3.1. The allegation will be outlined by the Case Presenter and then the USDP and student may question the Case Presenter. If a Case Presenter is not in attendance,

then the SDP Chair will draw attention to the information that forms the allegation against the student.

- 3.3.2. The student is able to present their response to the allegation, after which the USDP and Case Presenter may ask questions of the student.
- 3.3.3. If a witness has been invited to attend then they will usually be brought into the hearing after steps 3.3.1 and 3.3.2 above to make a statement and to be asked questions. Where there are potential sensitivities to direct questioning of the witness by the student or Case Presenter, then questions should be put through the SDP Chair. The witness can then be released after the questioning is complete.
- 3.3.4. The student will have an opportunity make any final comments and to confirm whether they accept that a breach of the Regulation has occurred.
- 3.3.5. If necessary, the USDP will retire in private to discuss whether a breach of the Regulation has occurred. The student and Case Presenter will be brought back to hearing at the point a finding has been reached and will be informed of the decision.
- 3.3.6. In reaching a finding, the USDP will have due regard for the findings of any prior formal investigatory process in respect of:
 - A finding of misconduct in research that has been established under the Code of Practice for Investigating Concerns about the Conduct of Research;
 - A student complaint found to have substance under Regulation XVIII (Student Complaints Procedure) (insert link) or under the Dignity at Work and Study Policy/Procedure (insert link).
 - Findings and penalties imposed through an investigatory process at an external organisation e.g. court, study abroad placement, employer.
- 3.3.7. A penalty from those available under the Regulation must be applied when there has been a finding that the Regulation has been breached and reasons for the penalty need to be documented. Before a penalty is applied, the student will be offered the opportunity to present mitigation and make any final comments. The USDP will note at this stage if it is aware of any previous offences, formal requests for mitigation from around the time that the breach occurred and of any potential consequences that particular penalties may have on the student's progression. Guidance on penalties and their application is available via the Procedure on Applying Student Discipline Penalties (see paragraph 1.1 above).
- 3.3.8. The USDP will discuss in private what it considers to be the most proportionate penalty to apply. There will then normally be an announcement of the outcome to the student and Case Presenter at the end of the hearing.
- 3.3.9. The USDP may adjourn a hearing to another date if it is necessary for the USDP to reach a conclusion on the case. Depending on the stage of the hearing, it may only be necessary for the USDP to reconvene in private (including by electronic means).
- 3.4. Following the hearing, a written record of the hearing shall be made. A letter that confirms the decision, and reasons for it, shall be sent to the student within ten working days of the USDP reaching its final decision. A copy of the letter will be circulated in accordance with the Regulation.
- 3.5. If the disciplinary action arose following a formal complaint by another student and who has a substantial involvement in the case, then the SDP may inform the reporting student of the overall finding against the other student but they should not be provided with any sensitive information pertaining to the other student.

4. Appeals

- 4.1. Following a finding that the Regulation has been breached, the student shall have the right of appeal against both the finding and any penalty imposed as a consequence on one or more of the following grounds:
 - 4.1.1. procedural irregularity in the operation of the panel;
 - 4.1.2. availability of new evidence which could not reasonably have been expected to be presented at an earlier stage;
 - 4.1.3. the disproportionate nature of the penalty.
- 4.2. Appeals need to detail the grounds on which the appeal is being made and must be submitted in writing by the student concerned to the Director of Teaching and Learning Support within ten working days of the date on which written notification of the USDP decision was sent to the student. A request for an appeal received after this time shall be granted only at the discretion of the Director of Teaching and Learning Support where there is good cause shown for the late appeal.
- 4.3. Upon an appeal being accepted for consideration, an Appeal Board will be arranged and which will usually aim to meet within 30 working days of the appeal having been submitted.
- 4.4. The Appeal Board does not re-hear a case afresh, but considers whether the initial hearing and outcome were fair by, as appropriate:
 - 4.4.1. reviewing the procedures followed;
 - 4.4.2. establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented to the original hearing and that this evidence is material and substantial to the findings;
 - 4.4.3. reviewing the penalty imposed.
- 4.5. The Appeal Board shall seek to deal with the case on the basis of documentary evidence and may, at its discretion, call a meeting to which the appellant is invited to present his or her appeal in person. In such an event, the appellant may be accompanied to the meeting as permitted at paragraph 2.9 of this Procedure. The student will be released from the meeting when they have made their statement and the Appeal Board will continue its deliberations in private. The Appeal Board may also submit requests for information to a student or to other areas of the University if such information is necessary to reach a conclusion on the appeal.
- 4.6. The Appeal Board shall comprise of any five of the following members, except that no person who has any prior involvement in the case shall be a member of the Appeal Board:
 - A Vice-President, Dean of a Faculty, Associate Vice-President, or Associate Dean (in the Chair). The Chair must be present for the Appeal Board to be quorate.
 - Any academic if PS member of the Student Conduct and Discipline Committee.
 - Any academic member of staff, drawn from a list established for the purpose by the Student Conduct and Discipline Committee.
 - Any member of the Students' Union Executive Team or other registered student of the University as nominated by the Students' Union.
- 4.7. The Appeal Board shall have a quorum of any four members and shall have the power to co-opt additional members as appropriate. The Appeal Board shall be supported by a Secretary who is responsible for the arrangements before and after the hearing and can advise the Appeal Board on procedural matters. A written record of the hearing should be made and so a note-taker may also be present on the day of the hearing. The Secretary and note-taker are not voting members of the Appeal Board.

- 4.8. A student whose appeal is being considered should not approach the members of Appeal Board.
- 4.9. The Appeal Board shall conduct its business in accordance the Regulation. Findings shall be made on the balance of probabilities and decisions may be by a majority. If voting is evenly split, then the decision shall that which is most favourable to the student.
- 4.10. The Appeal Board shall have the authority to confirm or set aside the finding, and to confirm, set aside, reduce or increase the penalty. Exceptionally, if a procedural irregularity or new evidence that is material and substantial has been found to exist by an Appeal Board, it may refer the case back for consideration to a newly constituted USDP.
- 4.11. The student will normally receive a Completion of Procedures letter within ten working days after the Appeal Board has reached its final decision on an appeal. The letter will outline the decision and the reasons for it. The decision of the Appeal Board hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision within the University.
- 4.12. Students who believe that their case has not been dealt with properly by the University or that the outcome is unreasonable may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) if the complaint is eligible under its rules and once all internal procedures have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the Students' Union Advice Service or from the OIA website: www.oiahe.org.uk.

5. Document control

Document control box	
Policy / Procedure title:	Procedure for the University Student Disciplinary Panel
Date approved:	
Approving body:	TLG and MDC
Version:	1
Supersedes:	N/A
Previous review dates:	N/A
Next review date:	
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> Statute XXI (Conduct, discipline and academic progress of students) Regulation XVII (Conduct and Discipline of Students)
Equality rating	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> Academic Malpractice Procedure Procedure for Summary Disciplinary Action Procedure for Applying Student Discipline Penalties Code of Practice for Investigating Concerns about the Conduct of Research
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change

Procedure for Applying Student Discipline Penalties (“Procedure”)**Content**

1. Introduction
2. Penalty meanings
 - 2.1. Summary action
 - 2.2. University Student Disciplinary Panel (“USDP”)
3. Considerations for penalty application
 - 3.1. General
 - 3.2. Mitigating circumstances
 - 3.3. Penalty effect
4. Fitness to practice
5. Recommendations
6. References
7. Document control

1. Introduction

- 1.1. When a breach of Regulation XVII (Conduct and Discipline of Students) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>) (“**Regulation**”) has occurred, a penalty must be applied. This Procedure explains the meaning of each penalty and how they apply in practice.
- 1.2. Differing penalties are available at summary level and the University Student Disciplinary Panel (“**USDP**”) and at their associated stages of appeal (together “**Disciplinary Panel**”). Whether a particular penalty applies to a breach of the Regulation will depend on what was found to have occurred. A common division is made between:
 - 1.2.1. General misconduct – penalties 2.1-2.9, 2.18, 2.20-2.22
 - 1.2.2. Academic malpractice and misconduct in research – penalties 2.1, 2.5, 2.9-2.19, 2.21-2.22.
- 1.3. Penalties take immediate effect from the point that a Disciplinary Panel inform the student of the penalty, whether this is in writing or orally at a disciplinary meeting. A penalty will remain in effect during any appeals process; it is only at conclusion of the appeals process and at the direction of the person(s) considering the appeal that a penalty might change.

2. Penalty meaningsSummary level**2.1. A reprimand and warning about future behaviour**

The warning serves as a reminder of the University’s conduct expectations. A warning may be disclosed and seen as an aggravating factor should a student be found in breach of the Regulation on a future occasion.

2.2. A requirement upon the student to give an undertaking as to his or her future good conduct within the University

An undertaking is a requirement that the student does not breach the University’s conduct expectations in the future. It may be imposed where it is considered necessary to place more of an onus on the student to display good conduct. If a student is brought before a

Disciplinary Panel again the future, and they have an undertaking on file from a previous offence, then they may also be disciplined for breaching 2(t) of the Regulation.

A Disciplinary Panel may include further detail to a student's undertaking depending on the circumstances of a case, for example, that a student undertakes not use their IT access for personal reasons in the future.

2.3. A requirement upon the student to apologise for the misconduct to those who may have been affected by it.

This should be imposed where a student's misconduct has affected another member of the University community. The apology will usually take the form of a written statement. The student should be advised in the disciplinary outcome letter that the statement need not be substantial in length but should:

- Acknowledge the misconduct.
- Accept responsibility for the misconduct.
- Explain clearly why the misconduct happened.
- Express sincere regret for the misconduct.
- Set out any steps the student will take to learn from the misconduct and avoid it happening again in the future.

The student should be given ten working days to send the statement through to the Disciplinary Panel Chair or Secretary. The statement will then be forwarded on to the affected member(s) of the University community. If the student does not comply with the penalty, including if the apology does not adhere to the guidance above, then the student may be referred for further disciplinary action for breaching 2(t) of the Regulation.

2.4. A requirement upon the student to remove any material (either physical or electronic material) associated with the misconduct.

This may apply where a student has made available material that has led to a finding of misconduct e.g. an offensive social media post. The student should be given ten working days to remove the material and to confirm to the Disciplinary Panel Chair or Secretary that they have complied with the penalty. Evidence of the compliance may be requested from the student. Failure to act on the penalty may lead to the student being referred for further disciplinary action for breaching 2(t) of the Regulation.

2.5. A requirement for the student to undertake appropriate training related to the misconduct.

Training in this context has a broad meaning. It is intended that this penalty will be applied where there is a necessity for the student to develop a deeper understanding of the misconduct and demonstrate a commitment to learning from it. Training should be directed by the Disciplinary Panel that imposed the penalty; the training itself will be dependent on the nature of the misconduct and availability of the training. Disciplinary Panels should therefore give students a reasonable timeframe in which to undertake the training and expect a student to confirm when it has been completed.

Examples of training may include:

- Undertaking a drugs awareness course.
- Attending a meeting with an Academic Malpractice Officer to develop understanding around academic writing.
- Attending a meeting of a community group who may have been affected by the student's misconduct.
- Producing a reflective statement to demonstrate that the student has learnt from an incident.

- Undertaking a course via the library: <http://www.library.manchester.ac.uk/using-the-library/students/training-and-skills-support/my-learning-essentials/>
- Reviewing online materials.

Failure to act on the penalty may lead to the student being referred for further disciplinary action for breaching 2(t) of the Regulation.

2.6. A requirement upon the student to pay for any damage to property they may have caused or to recompense the University for any loss it may have suffered arising from the student's misconduct.

If damage or loss has arisen, then it is expected that the University is able to quantify this e.g. show an invoice to show the cost of rectifying the misconduct. The value of the recompense will be case-by-case dependent; a Disciplinary Panel may direct that the recompense is only partial to show proportionality e.g. the cost to replace a broken table is £100 but the value of the broken table was only £80.

The requirement to pay will be communicated to the University's finance team who will apply the charge to the student's record and will act as the student's contact for the charge thereafter. If a student has any difficulties in meeting the charge, then they should speak with the finance team to arrange a payment plan. If a student is appealing the penalty, then the student may wish to request that the finance team defer the payment date until after the outcome to their appeal has been confirmed.

Students should confirm to the Disciplinary Panel Chair or Secretary when they have paid the charge. Failure to pay may put the student in breach of 2(t) of the Regulation but it will not prevent a student from graduating. However a student will have a negative service indicator placed on their record and the University will look to recoup any loss after graduation, including through third party collection agencies.

2.7. A fine of not more than £500.

Fines are not intended to recompense the University as with 8.1F above; they are penalties which just reflect punishment for the misconduct. The amount may vary depending on the seriousness of the Regulation breach.

Fines are used by the University to benefit the wider student experience. Fines are paid by the student directly as a donation to the Manchester Hardship Fund (<http://www.studentsupport.manchester.ac.uk/finances/funding-opportunities/all/manchester-hardship-fund/>).

In applying this penalty, Disciplinary Panels should provide the student with the instructions about how to make a payment and a reasonable timeframe for making the payment. Students should confirm to the Disciplinary Panel Chair or Secretary when they have paid the fine. Failure to pay may put the student in breach of 2(t) of the Regulation but it will not prevent a student from graduating.

2.8. A requirement upon the student to undertake specified tasks or services for the benefit of the School or hall of residence or the University community up to a maximum of forty hours.

This penalty should be applied where there might be a need for the student to rehabilitate and give back to the community affected by the misconduct. The Disciplinary Panel must specify the hours that the student needs to complete (this will vary depending on the seriousness of the misconduct), and the panel should give an indication to the student as to what tasks or services are expected from the student. A reasonable timeframe for complying with the penalty

must also be confirmed to the student e.g. you will have four months to complete forty hours or tasks for your halls of residence. The tasks or services should usually be unpaid.

The onus is on the student to arrange to undertake the tasks or services, although assistance may be sought from the Disciplinary Panel Chair or Secretary. An element of discretion will need to be afforded to the Chair and Secretary as, if the tasks or services specified by the Disciplinary Panel prove difficult for the student to arrange, then they may need to be amended.

Examples of tasks or services have in the past included:

- Working at a charity shop.
- Volunteering at a local School.
- Assisting with a University open day.
- Helping to tidy the University estate.

The student must complete the Community Service Record ([insert link to form](#)) to monitor the tasks or services. As explained in the Community Service Record, at the conclusion of the tasks or services, the student should write a report evidencing the work that they have done and reflecting on it. The report should be returned to the Disciplinary Panel Chair or Secretary who will evaluate whether the student has satisfactorily complied with the penalty. Failure to act on the penalty may put the student in breach of 2(t) of the Regulation.

2.9. For any penalty available under the Regulation to be deferred and only imposed should any future breach of the Regulation occur.

This will allow a Disciplinary Panel to specify a penalty within its remit, but not require it to be immediately applied. However, if a student is found to have breached the Regulation in the future, the penalty will be applied by the subsequent Disciplinary Panel, regardless of whether or not the subsequent offence was of the same nature as the first offence.

Example One: for a first offence of disorderly behaviour in halls of residence, a student is given a £500 fine but recognising evidence of a student's financial difficulties, the Disciplinary Panel state that the fine should be deferred. The student is later found to have breached the Regulation by posting offensive comments online. Along with a penalty for the second offence, the second Disciplinary Panel also need to apply the £500 fine.

2.10. The Examining authority to be informed that the mark for the piece of work or assessment be reduced to a specified mark or by a specified amount.

Disciplinary Panels are empowered to direct the mark to be awarded to a student for an assessment in which malpractice has been found to exist. The reduction is for the Disciplinary Panel to specify, and may depend on whether a piece of work has been already been marked or not. For example, a Disciplinary Panel may direct that a mark of 60% for a piece of coursework is reduced by 20% to reflect the amount of plagiarism found in the coursework; the student's mark for the coursework is therefore recorded as 40%.

2.11. A recorded mark of zero for the examination paper or other assessed work in which unfair practice occurred (with/without loss of credit). Should a re-assessment/resubmission opportunity be available then this will, if passed, be capped at the lowest compensatable pass mark.

A mark of zero in this context only applies to a single examination paper or piece of coursework, although the penalty will apply to a full unit where the unit comprises only one assessment. A Disciplinary Panel must specify whether a penalty is with or without loss of credit.

A taught assessment will allow student to gain a certain number of credits. Credits are explained online: <http://www.staffnet.manchester.ac.uk/tlso/policy-guidance/teaching-and-learning/teaching/credit-framework/>.

If a Disciplinary Panel impose a mark of zero with loss of credit then, unless the student has an opportunity to regain the credit by way of re-assessment, then they will have failed the assessment and this may affect a student's ability to obtain a certain award. Commonly, re-assessment may not be available in the final year of undergraduate degrees, or when a re-assessment opportunity has already been exhausted. Where a re-assessment opportunity does exist, then the student will need to meet the pass mark for the assessment and it will be the lowest compensatable pass mark that that is recorded.

If a Disciplinary Panel imposes a mark of zero without loss of credit, then the student will not need to regain the credit by way of re-assessment. The mark of zero will be that which is recorded. In considering whether to allow student to retain credit for an assessment subject to malpractice, a Disciplinary Panel may consider enquiring whether a student has met their intended learning outcomes (i.e. demonstrated their understanding) to be permitted to retain the credit.

Example One: A student in their third and final year of a law degree (with honours) is found to have plagiarism in the coursework component (worth 50%) of a 20 credit unit. The student receives a penalty of mark of zero with loss of credit. As a re-assessment opportunity does not exist because the student is in their final year, then the student will be 10 credits short of their intended degree award. This may cause the student to exit with an ordinary degree.

Example Two: A student in their Masters engineering degree is found to have possessed unauthorised material in the examination (worth 33%) of a 15 credit unit. The student receives a penalty of a mark of zero with loss of credit. As a re-assessment opportunity exists, then the student will have an opportunity to re-gain the lost credit through the re-assessment. The student will need to meet the pass mark and it is the pass mark that is used to calculate the student's result for the unit.

2.12. A recorded mark of zero for the course unit(s) in which the unfair practice occurred (with/without loss of credit). Should a re-assessment/resubmission opportunity be available then this will, if passed, be capped at the lowest compensatable pass mark.

A mark of zero in this context applies to a full unit, so even if the malpractice relates only to one component of assessment, the penalty will apply to all assessments within the unit. A Disciplinary Panel must specify whether a penalty is with or without loss of credit. See B1:xi for more information around re-assessment and credit.

2.13. (In conjunction with any other penalty)) for any resubmission or re-assessment to be permitted only for the purpose of obtaining credit.

A Disciplinary Panel may apply this penalty, where it considers it reasonable that a student undertakes a re-assessment to allow them to gain the credit for an assessment or unit (in order that they might continue to their intended degree award or meet professional body requirements) but to prevent them for gaining any further advantage through the pass mark being factored into their result average. The student will, however, still need to meet the pass mark in the re-assessment.

Example One: a second year student received a mark of zero with loss of credit for a unit's assessment which was found to contain malpractice. The student was eligible for a re-assessment, but to account for other aggravating factors in the case, the Disciplinary Panel permitted the usual re-assessment for credit purposes only. The student passed the re-

assessment with a mark of 55% and was able to continue on their programme, but their transcript recorded the mark of zero.

2.14. The student being not allowed an opportunity for re-assessment in, or resubmission for, the piece of work or course unit(s) in which the unfair practice occurred.

Even if a student might usually be eligible for a re-assessment or resubmission opportunity as part of their programme, this penalty removes that opportunity. This will usually leave a student with the assessment or unit mark which has been obtained or directed at the end of the disciplinary process.

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2.15. A recorded mark of zero for all examination papers and other assessed work taken during the examination period (e.g. end of first semester (January); end of second semester (May/June); resit (August/September)) in which unfair practice occurred (with or without loss of credit).

A mark of zero in this context applies to the assessment period identified by the Disciplinary Panel. Even if the malpractice relates only to one unit, the penalty will apply to all assessments taken during an assessment period. A Disciplinary Panel must specify whether a penalty is with or without loss of credit. See 2.11 for more information around re-assessment and credit.

Example One: a third year student is found to have possessed unauthorised material in two semester one examinations. Due to the severity of the malpractice, the Disciplinary Panel direct that all of the semester one assessments receive a mark of zero. The Disciplinary Panel direct that the penalty is without loss of credit. The student is therefore able to work towards their intended degree award but their average is significantly affected by the penalty.

2.16. A recorded mark of zero for all examination papers and other assessed work taken during the academic year (with or without loss of credit).

A mark of zero in this context applies to the academic year identified by the Disciplinary Panel. Even if the malpractice relates only to one unit, the penalty will apply to all assessments taken during an academic year. A Disciplinary Panel must specify whether a penalty is with or without loss of credit. See 2.11 for more information around re-assessment and credit.

Example One: a fourth year integrated Masters student is studying two units that run across the academic year, and malpractice is found to exist in both. The Disciplinary Panel consider that it would be proportionate to record the entire year's assessments as zero. The Disciplinary Panel direct that the penalty is with loss of credit; the student therefore needs to wait to see whether the Examination Board consider them eligible for re-assessment.

2.17. The Examining authority to be required to reduce the class of degree by one or more classes from that which would have been awarded on the basis of the student's academic progress, or to award a lesser qualification.

A Disciplinary Panel may not always be equipped with the knowledge of a student's likely degree award e.g. a first year student's end of year mark profile may not be indicative of what they may achieve in subsequent years, but this may be clearer in later years of study. In applying this penalty the Disciplinary Panel needs to specify the number of degree class reductions or the lesser qualification, and if the information is available, show an awareness of how this may affect a student.

Example One: a Masters student has been found to have committed malpractice in a 60 credit unit. The other units are unaffected. The Disciplinary Panel direct that the student exits with a Postgraduate Certificate. This will not, however, affect the student's eligibility for an academic transcript showing their results to the point at which the penalty took effect.

Example Two: a Postgraduate Research student is found to have committed malpractice in their thesis. The Disciplinary Panel direct that the student exits following the opportunity to write up for an MPhil.

2.18. The student being required to exit the University early following a final opportunity at assessment, in order to accumulate the credits, or meet the academic requirements, for a specified exit award.

This may be applicable where a student has been found to have exhibited serious misconduct or malpractice and the University wishes to end the student's registration with the University, but the Disciplinary Panel considers it proportionate to allow the student a final opportunity (i.e. without any re-assessment opportunities) to work towards their closest exit award. The Disciplinary Panel needs to confirm the intended exit award.

Example One: a second year Undergraduate student has been found to have committed serious misconduct against another student on their programme during their second semester. As the student is close to completing their semester two examinations, the Disciplinary Panel allow the student to attend these in order that they have an opportunity to satisfy the requirements for an Undergraduate Diploma. The student then exits the University after the Examination Board confirm his results.

Example Two: a Postgraduate Research student's work submitted for their first year progress review is found to contain malpractice. The Disciplinary Panel apply this penalty directing that the student can have a final opportunity to submit their work for an MPhil award, rather than for a PhD award.

2.19. A requirement that a student repeats a component, or components, of their studies, with or without attendance, in a subsequent academic year.

This penalty may be proportionate to apply where a Disciplinary Panel have been presented with substantial evidence by the student of credible and compelling circumstances that existed at the time the misconduct occurred. The Disciplinary Panel can direct the most appropriate re-entry point for the student, whether the student should study with or without attendance and whether the re-entry is for the purpose of academic assessment afresh or re-assessment. Usually, this penalty will lead to students re-entering from the start of a specified semester and will lead to students undertaking units again in full.

2.20. A fine of not more than £1000.

See 2.7 above.

2.21. Exclusion from the University. This is a time-limited sanction (usually to a maximum of 12 months) which allows the student to remain a member of the University.

This penalty should be applied when a Disciplinary Panel consider that it is proportionate to restrict a student's access to parts or benefits of the University or to members of the University. The exclusions may vary depending on the circumstances of a case and so a Disciplinary Panel has a wide discretion to specify what the exclusion includes. In considering exclusions, the Disciplinary Panel may need to seek information from colleagues within the University to determine the effect of such restrictions or to determine if they are possible.

Exclusions should usually last for a maximum period of 12 months. However there may be circumstances in which it is necessary to extend this duration. For example, if the exclusion is a complete prohibition on a student engaging with their studies and it is applied partway through a semester, then the Disciplinary Panel may direct that the exclusion lasts for longer than 12 months to coincide with the start of the next available academic year.

If a student is residing in a halls of residence and are then excluded from it, then the Director of Residential and Sport Services will be directed to issue the student with an immediate Notice to Terminate the student's accommodation contract. The student should, however, be permitted a short period of time (to be arranged through their Residential Life Team) to collect their possessions and vacate their room.

Example One: During the second semester, a second year Undergraduate student (X) was found to have harassed another second year Undergraduate student (Y); they were in the same halls of residence but on a separate degree programmes. The harassment occurred at the central library and learning commons and the halls of residence. The Disciplinary Panel decide that X needs to be excluded from his halls of residence, the central library and learning commons for a period of 12 months. The Disciplinary Panel apply these restrictions with the awareness that X will not be prevented from continuing his studies. The Disciplinary Panel also consider it reasonable to require that X have no further contact with Y for the remainder of their studies.

Example Two: a Postgraduate Research student is found to have used their research finance account funded by the University for a purpose not associated with their studies e.g. to book a holiday. The Disciplinary Panel therefore restrict the funding available to the student from that account and require the student to seek special approval from their supervisor when looking to spend from that account.

2.22. Expulsion from the University, which means that the student shall have their registration terminated and will lose all rights and privileges of that registration and of any future relationship with the University.

At the point that a student is expelled they will no longer be a member of the University. This will usually have the following effect:

- Deactivation of the student's card, which will include an inability to access University buildings (including halls of residence). It should be requested that the student returns the card for disposal or that they dispose of it themselves.
- Removal of access to IT services (this will only take effect 20 working days after the student's Campus Solutions record is updated and can be used by the student for the purpose of an appeal).
- Not being entitled to participate in their academic studies (including undertaking assessments).
- Not being permitted to graduate or attend an awards ceremony or become an alumnus.
- Not being permitted to re-enrol at the University for a future programme of study.
- An expelled student will normally be entitled to their academic transcript and degree award at the point that they are expelled (subject to ratification by an Examination Board). However, if the Disciplinary Panel considers it proportionate based on the circumstances of a case, it can direct that the student exits without an award.

If a student is residing in halls of residence when they are expelled, then the Director of Residential and Sport Services will be directed to issue the student with an immediate Notice to Terminate the student's accommodation contract. The student should, however, be permitted a short period of time (to be arranged through their Residential Life Team) to collect their possessions and vacate their room.

If a student requires support after being expelled, then they should seek this from the Students' Union Advice Service ([insert link](#)) or other external supporter. Access to University support services will be limited, but where there is a credible need for support, the student may be signposted to contact the Counselling Service ([insert link](#)) for a single appointment (either in person (if permitted by the Disciplinary Panel) or by phone).

The student will have limited contact with staff after the disciplinary meeting. It is therefore expected that the Disciplinary Panel Secretary will, insofar as practical, act as the student's single point of contact at the University. This is not however intended to limit the student's ability to pursue appeal options for which a separate point of contact exists.

Example One: during the first semester of second year, a student is excluded for serious misconduct. This causes the student to lose all rights and privileges associated with being a student at the University as specified above. The student is able to speak with the Counselling Service after the disciplinary meeting and decides to accept the decision. The student is later issued with an Undergraduate Certificate and an academic transcript.

3. Considerations for penalty application

3.1. General

3.1.1. There may be many factors that influence what a Disciplinary Panel consider to be the most appropriate penalty to apply to a breach of the Regulation. Cases should be approached from an individual perspective, although past cases may also be helpful. Below is a non-exhaustive list of what a Disciplinary Panel may consider when determining a penalty:

- The student's level of study and time spent at the University; the more advanced the student, the more serious the offence.
- The scale of the offence; the more work or people affected, the more serious the offence.
- The student's previous history; a subsequent offence, when a student has already been through a formal disciplinary process in the past, is more serious than a first offence. Note: where a student is known to have committed an offence during a previous programme of study, the later offence will not be viewed as a subsequent one, but the student having been through the disciplinary process before may be an aggravating factor in setting a penalty.
- Whether the student exhibited any intent to deceive, such as in a piece of academic work or in the hearing itself.
- Whether the student has shown any remorse, contrition or insight.
- Whether the student has been open and transparent e.g. in accepting the allegation.
- Are there any mitigating factors that have been established by the student? Note: see 3.2 below.
- The necessity to protect other members of the University.
- The effect of the penalty on the student's intended progression on their programme.
- Any action that may have been taken which has already penalised the student e.g. a court conviction, eviction from their halls of residence.

3.2. Mitigating circumstances

3.2.1. Mitigating circumstances in the context of student discipline means factors that may cause a Disciplinary Panel to consider applying a lesser penalty. Mitigating circumstances do not justify an offence.

3.2.2. Mitigating circumstances within student discipline are factors that may have had some bearing on the misconduct. They are not circumstances that have affected a

student's academic performance per se, such as the meaning of mitigating circumstances described under the Policy on Mitigating Circumstances (insert link) or the Policy on Circumstances Leading to Changes to Postgraduate Research Degrees (insert link). The examples of mitigating circumstances outlined within the policies above are still what may be considered as a mitigating circumstance however.

- 3.2.3. Mitigating circumstances must be unpreventable and unforeseeable and which had a significant effect on the student concerned.
- 3.2.4. The onus primarily rests with the student to make known, and evidence, to a Disciplinary Panel any circumstances which they believe may warrant consideration. However Disciplinary Panels can enquire with a student's School about any formal requests for mitigation submitted by the student close to the date of the misconduct.
- 3.2.5. For academic malpractice cases particularly, it should be considered whether the student had an opportunity to disclose any mitigating circumstances and request mitigation before an assessment deadline. If they did have such an opportunity but did not submit a request, then the student must have a credible and compelling explanation for not making a submission through the usual route. If a request for mitigation has been already been submitted by a student and accepted by a Mitigating Circumstances Panel then the Disciplinary Panel should acknowledge that this was the case.
- 3.2.6. Examination Boards must implement Disciplinary Panel decisions. If a student has requested mitigation for an assessment which becomes the subject of a malpractice allegation, then mitigation can only be considered in the context of penalty setting. This does not, however, prevent mitigation being applied to other unaffected assessments or to the assessment in contention provided it does not remove the disciplinary penalty. For example, if a School permits a student the opportunity to re-sit a semester's assessments at first attempt, but one of the assessments was penalised for academic malpractice, the penalty to the affected assessment will still need to be applied.

3.3. Penalty effect

- 3.3.1. It is important for Disciplinary Panels to collect information to enable them to be aware of how a penalty may affect a student's progression on their studies, particularly in the context of academic progression (e.g. such as the [Penalty Consequences Form \(insert link\)](#)). This helps to ensure that Disciplinary Panels apply proportionate penalties. Some penalties may be self-explanatory whereas others may not.
- 3.3.2. It may not always be possible for the exact effects of a penalty to be known when a Disciplinary Panel reaches its decision, as the final effect may be dependent on other factors such as the student's year of study, their performance across other assessment etc. In such cases the Disciplinary Panel should confirm what it intended to be the effect of a penalty. For academic malpractice cases however, students should be made aware that most penalties will have the effect of depressing a unit and degree average.
- 3.3.3. Example One: a student is in their second year of a three year undergraduate programme. A unit's assessment was found to contain malpractice and a penalty of a mark of zero with loss of credit was applied. The Disciplinary Panel was aware that the student would be entitled to a re-assessment in the unit but that this would be for a capped mark. This would bring the student's results average down, but provided they passed the re-assessment, their progress on the programme would otherwise be dependent on the results they obtained across unaffected units including those later into the student's studies.

4. Fitness to practice

- 4.1. A Disciplinary Panel establishes whether a student has committed a breach of the Regulation and if so it applied a penalty. Students on professional programmes will also be subject to the standards of their professional body e.g. the General Medical Council. Health and Conduct Committees and Fitness to Practise Committees consider whether a student may have breached the standards of their profession.
- 4.2. Some instances of misconduct may first be considered under the Regulation depending on the circumstances and dominant issues of a case. Where findings of misconduct have first been reached under the Regulation, then for students on professional programmes, such findings may subsequently give rise to fitness to practise concerns and for their School and Faculty to consider the fitness to practise implications of the misconduct. Fitness to practise concerns may also arise outside of the context of University misconduct.
- 4.3. If misconduct has been established under the Regulation, then a Health and Conduct Committee or Fitness to Practise Committee will give due regard to the finding and penalty applied by the Disciplinary Panel. It will not normally be necessary for the facts of a case to be re-visited by a Health and Conduct Committee or Fitness to Practise Committee; their role will be to consider the implications of the misconduct on the student's fitness to practise.
- 4.4. For example, a Faculty Disciplinary Panel finds a pharmacy student has breached the Regulation by committing academic malpractice. The Disciplinary Panel apply a mark of zero to the assessment in contention. The Disciplinary Panel's decision is reported back to the student's School, which decide to refer him the Health and Conduct Committee to see if his misconduct gives rise to fitness to practise concerns relating to dishonesty.

5. Recommendations

- 5.1. A Disciplinary Panel may make recommendations to address issues that have been identified through the consideration of the disciplinary matter. These can be made to students (e.g. it is recommended that you attend an appointment with the Counselling Service) or internally within the University (e.g. it is recommended that the student is subject to enhanced IT monitoring or that a student's accommodation contract be terminated).

6. References

- 6.1. Students should be honest and transparent when completing applications for jobs, future study or similar opportunities.
- 6.2. If a member of staff is aware of a major disciplinary finding against a student, and are asked for a reference from the student, then they may need to mention the disciplinary issue in the student's reference. Non-major disciplinary findings do not normally need to be disclosed. However the disclosure will need to be considered by the member of staff based on the context of the position for which the reference is requested, the questions asked as part of the referencing process, the disciplinary issue, the need for factual accuracy and to discharge any duty of care.
- 6.3. A reference which refers to a disciplinary finding is not a penalty from the disciplinary process, but is a consequence of going through it.
- 6.4. Guidance for staff about providing references to students is available at: <http://documents.manchester.ac.uk/display.aspx?DocID=1921>.

7. Document control

Document control box	
Policy / Procedure title:	Procedure for Applying Student Discipline Penalties
Date updated:	
Approving body:	TLG and MDC
Version:	1
Supersedes:	N/A
Previous review dates:	N/A
Next review date:	
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> • Statute XXI (Conduct, discipline and academic progress of students) • Regulation XVII (Conduct and Discipline of Students)
Equality relevance outcome:	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> • The Procedure for Summary Disciplinary Action • The Procedure for the University Student Disciplinary Panel • Procedure for a Committee on Fitness to Practise • Guidance to Staff Providing References for Students
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change
1		
2		
3		

Procedure for Suspending a Student¹ (“Procedure”)

Content

1. Introduction
2. Information gathering
3. Approval
4. Notifying the reported student
5. Appeal
6. Review
7. Disciplinary action
8. Document control

1. Introduction

- 1.1. Section 5 of Regulation XVII (Conduct and Discipline of Students) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>) (the “**Regulation**”) permits the President and Vice Chancellor to suspend a student, as a precautionary act, where that student is subject to a serious allegation of misconduct or where the student is subject to ongoing police or court action and this relates to misconduct under the Regulation.
- 1.2. If a student is on a professional programme within the Faculty of Biology, Medicine and Health, and it is considered that the student’s health or conduct have given rise to serious fitness to practise concerns that may necessitate suspending the student, then the process outlined under the Procedure for a Committee on Fitness to Practise (<http://documents.manchester.ac.uk/display.aspx?DocID=23997>) should be followed rather than this Procedure.

2. Information gathering

- 2.1. If a member of staff becomes aware that a student may have committed serious misconduct that may require suspension, or who is subject to a criminal investigation by the police or a criminal trial as envisaged by paragraph xxx the Regulation, they should complete the Student Suspension Request Form (link to be inserted). The Form should then be agreed by the member of staff’s closest Authorised_University Officer (“**AUO**”) as described in paragraph 7 of the Regulation, and submitted to the Director of Campus Life (“**Director**”).
- 2.2. If the information about the student has come through a report from another student, then the member of staff should seek the reporting student’s consent if including their details on the Form.
- 2.3. By means such as meetings, phone calls and email correspondence, the Director will seek to ascertain any outstanding information pertaining to the reported student and the misconduct/offence, or alleged misconduct/offence, and this information may include:
 - 2.3.1. The nature of the incident, including where it took place, dates of the incident and who may have been affected.
 - 2.3.2. The decisions taken by the police or court.
 - 2.3.3. The student’s academic record e.g. degree programme, year of study etc.

¹ Any reference to a named officer in this Procedure should also be read as a reference to their delegated nominee.

2.3.4. The support services that the student may have accessed or any other relevant process that they may have been subject to e.g. previous disciplinary hearings.

2.4. The Director will take forward the management of the case, liaising with other University departments as necessary, including the reported student's School and any outside agencies (e.g. the police), and will direct what action needs to be taken.

3. Approval

3.1. The power of temporary suspension can only be exercised by the President and Vice-Chancellor only where necessary to:

- 3.1.1. protect a member or members of the University community;
- 3.1.2. protect the property of the University or of a member or members of the University;
- 3.1.3. protect the reputation of the University;
- 3.1.4. avoid the repetition of the circumstances which led to the allegation;
- 3.1.5. prevent any disadvantage to the suspended student (eg where bail conditions prevent the student's presence on campus);
- 3.1.6. ensure that any alleged victims or potential witnesses are not subject to interference; and/or
- 3.1.7. where the student's continued presence might be a source of disruption to the University or any part thereof.

3.2. If the Director agrees with the AUO that suspension may be necessary based on the circumstances of the case and for one, or more, reasons described under paragraph 4 above, then the Director will write to the President and Vice-Chancellor, via the Registrar, Secretary and Chief Operating Officer, recommending the reported student be suspended.

3.3. The recommendation should include reference to any conditions that may be necessary to attach to the suspension, including:

- 3.3.1. restriction of access to the University or a specified part thereof;
- 3.3.2. total or selective restriction on participation in University activities or access to university services (academic, residential, social or sporting facilities provided by the University) but may be permitted to sit University examinations;
- 3.3.3. prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union; and/or
- 3.3.4. no contact with a named person or persons.

3.4. The recommendation should also give an indication as to the urgency of the suspension. This is to help determine whether the suspension needs to take immediate effect or whether the reported student should first have the opportunity to make representations about the suspension before it takes effect.

3.5. If the recommendation is approved by the President and Vice-Chancellor then the Director will notify the reported student. If a recommendation is not approved by the President and Vice-Chancellor then the Director and AUO will decide whether any further action under the Regulation can, or should, be taken.

4. Notifying the reported student

4.1. Where a suspension has been approved by the President and Vice-Chancellor, the Director will write to the student to notify them of the suspension, the reasons for it and confirming whether it is immediate or not.

4.2. As soon as reasonably practicable, the student will be given an opportunity to meet with the Director and the AUO to provide their comments on the suspension. The student may also wish to submit a written statement responding to the suspension prior to the meeting or in place attending in person. The student may attend the meeting with a supporter. If

necessary, the student may appoint a representative for the purpose of responding to the suspension in writing or at the meeting. After the meeting, the Director and AUO will review the student's comments and the order of suspension.

- 4.3. If the student does not attend the meeting or submit any comments on the suspension, then the order of suspension will be reviewed by the Director and AUO in the student's absence.
- 4.4. The Director will confirm the outcome of the meeting to the student and President and Vice-Chancellor i.e. whether the suspension remains or has come into effect, or if there is a recommendation that the suspension be amended in some way.

5. Appeal

- 5.1. A student may appeal against an order of suspension within ten working days of it being confirmed (following the conclusion of section 4 above). An appeal can only be made on one, or more, of the following grounds:
 - 5.1.1. procedural irregularity in the suspension process;
 - 5.1.2. availability of new evidence which could not reasonably have been expected to be presented prior to the suspension being confirmed;
 - 5.1.3. the disproportionate nature of the suspension.
- 5.2. The student should submit a statement of appeal which outlines their grounds of appeal, the reasons for the appeal and provides any supporting evidence. The submission should be sent to the Director, who will then arrange for it to be forwarded to the Chair of the University's Board of Governors.
- 5.3. The Chair of the Board of Governors will normally write to the student within 20 working days from receipt of the appeal to inform them of the outcome to the appeal.
- 5.4. As stated within section 5 of the Regulation "*The suspension will remain in place pending the outcome to any appeal*" and "*The conclusion of any appeal is not viewed as the completion of the University's disciplinary procedures*".

6. Review

- 6.1. An order of suspension will be reviewed by the Director every 20 working days from the date of it being confirmed (following the conclusion of section 4 above).
- 6.2. The review will consider any new developments in the case and any written representatives submitted by the student or their representative.
- 6.3. The Director will write to the student or their representative to inform them of the outcome to the review.
- 6.4. The outcome to a review is either that the suspension remains in place, it is subject to amendment (if agreed by the President and Vice Chancellor), or that section 7 of this Procedure can be enacted.

7. Disciplinary action

- 7.1. If the student has been suspended due to serious misconduct, but which is not linked to a criminal offence, then the University will aim to allocate the student's case to a University Student Disciplinary Panel ("**USDP**") hearing as soon as practicable. The suspension will be replaced by whatever decision the USDP reach.

7.2. If the student has been suspended because a decision by the police or courts is pending, then any suspension will remain in effect until the police decide to prosecute or not to prosecute a student, or the court convict or do not convict a student. Once this decision has been reached, then the Procedure for Student Criminal Offences ([insert link](#)) will be acted upon and which may lead to internal disciplinary action being taken against the student. If internal disciplinary action is instigated, then the University will look to allocate the student's case to a hearing as soon as practicable and the decision reached will replace the suspension.

8. Document control

Document control box	
Policy / Procedure title:	Procedure for Suspending a Student
Date approved:	
Approving body:	TLG and MDC
Version:	1
Supersedes:	
Previous review dates:	
Next review date:	
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> Statute XXI (Conduct, discipline and academic progress of students) Regulation XVII (Conduct and Discipline of Students)
Equality relevance outcome:	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> Procedure for Student Criminal Offences Procedure for Suspending a Student Procedure for the University Student Disciplinary Panel Procedure for Handling Allegations of Sexual Misconduct
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change

Procedure for Handling Allegations of Sexual Misconduct¹ (“Procedure”)

Content

1. Introduction and definition
2. Reporting an allegation
3. Acting on the disclosure
4. Document control

1. Introduction and definition

- 1.1. Sexual misconduct is a disciplinary offence under paragraph 2(j) of Regulation XVII (Conduct and Discipline of Students) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>) (the “Regulation”).
- 1.2. For the purposes of this Procedure, the University views sexual misconduct as sexual violence and harassment, which can include a range of unwanted physical and non-physical sexual behaviours affecting members of the University activity and which can be perpetrated by anyone. Non-consensual sexual activity which amounts to, or potentially amounts to, a prosecutable criminal offence is included in this definition.
- 1.3. A person commits sexual violence if they intentionally touch another person, the touching is sexual and the person does not consent. This involves all unwanted physical contact of a sexual nature and ranges from pinching, embracing, groping and kissing, to rape and serious sexual assault which involves penetration without consent.
- 1.4. A person commits sexual harassment if they display unwanted behaviour of a sexual nature which violates a person’s dignity, makes them feel intimidated, degraded or humiliated or creates a hostile or offensive environment. Sexual harassment may include sexual comments or jokes, unwanted physical behaviour, displaying pictures, photographs or drawings of a sexual nature and sending emails with a sexual content.

2. Reporting an allegation

- 2.1. A student² may make a disclosure via various channels to the University of alleged sexual misconduct at any point during their studies and the allegation may relate to any member of the University, both staff and students. Staff receiving a disclosure should ensure that both the Complainant and the Respondent are treated fairly and there are no presumptions made about either party.
- 2.2. Students are able to report issues affecting their dignity at work and study on an anonymous basis through the University’s Report and Support platform (<https://www.reportandsupport.manchester.ac.uk/>). This allows students to be signposted to support and how they might take their concerns forward on a more formal basis through the University’s processes.

¹ This Procedure is concerned with allegations that are made by students against other students.

² If referring to the person making an allegation (“Complainant”), if referring to the person subject to an allegation (“Respondent”), if referring to students generally (“student(s)”).

- 2.3. A Complainant may make a disclosure directly to any member of University staff. It is important for a record of the disclosure to be made and securely stored by the member of staff and which clarifies:
- 2.3.1. Whether the Respondent is a registered student. If the Respondent is on an interruption, has left their programme of study or has graduated or is otherwise not a member of the University then the misconduct cannot normally be investigated.
 - 2.3.2. Whether there is any ongoing police or court action.
 - 2.3.3. Whether the misconduct took place on University premises or whilst engaged in a University activity.
 - 2.3.4. What the Complainant is hoping to get from the disclosure e.g. support or disciplinary action.
- 2.4. A Complainant should be signposted to any relevant internal, and external, support services such as:
- Counselling Service: <http://www.counsellingservice.manchester.ac.uk/>
 - University of Manchester Students' Union Advice Service: <https://manchesterstudentsunion.com/top-navigation/advice-service/wellbeing-advice>
 - Security Service: <http://www.estates.manchester.ac.uk/services/security/contactus/>
 - Report and Support (see 2.2)
 - ANother
- 2.5. The Complainant should be advised that they may:
- 2.5.1. Report the matter to the police. Section 4 of the Procedure for Student Criminal Offences (insert link) includes information about referral to the police.
 - 2.5.2. In accordance with paragraph 2.6, submit a formal complaint and which may then lead to disciplinary processes being instigated.
 - 2.5.3. Consent to further action being taken through paragraphs 2.8, 2.9, 2.10 and section 3 of this Procedure.
 - 2.5.4. Take no further action.
- 2.6. Should a Complainant disclose matters that are considered more akin to potential breaches of the Dignity at Work and Study Policy (insert link), and these have not been reported to the police, then the Complainant's only recourse to have the matter considered further is by completing a Complaints Form (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=1894>) and submitting it to their Faculty under the Dignity at Work and Study Procedure for Students (insert link) within 40 working days of the issue prompting the complaint.
- 2.7. If a disclosure of sexual misconduct is first made via a formal complaint, the complaint case handler should replicate the steps detailed above and below. The handling of the complaint should be paused until it is known whether any disciplinary proceedings will be progressed. If disciplinary proceedings go ahead, then the case handler should notify the Complainant that the complaint is no longer being considered through the complaints process and is instead being taken forward as a disciplinary matter through Regulation XVII. If disciplinary proceedings do not go ahead, then the case handler should ask the Complainant to confirm, within ten working days, whether they wish for the consideration of the complaint to resume or if they wish to withdraw the complaint.
- 2.8. If a disclosure is made that police or court action is ongoing or has concluded, then the Procedure for Student Criminal Offences (insert link) should be instigated.
- 2.9. If from the information disclosed there is the potential that misconduct may have been committed, but there has not been a report made to the police, then the person receiving the disclosure should complete the Student Discipline Referral Form (insert link). The Form should then be reviewed by the member of staff's closest Authorised University Officer ("AUO") as described in paragraphs 6 and 7 of the Regulation, and then submitted to the Director of Campus Life ("Director").

2.10. If the information disclosed appears very serious or urgent, such as the Complainant potentially being in immediate or likely harm or the disclosure is supported by substantial and credible evidence, and the student has or has not reported the incident to the police, then the person receiving the disclosure from the Complainant should request their consent to complete **the Student Suspension Request Form (link to be inserted)**. The Form should then be reviewed by the member of staff's closest Authorised University Officer ("AUO") as described in paragraphs 6 and 7 of the Regulation, and then submitted to the Director of Campus Life ("**Director**").

2.11. Disclosure of potential misconduct may lead to the University instigating its disciplinary processes. It is therefore important that a Complainant's expectations about the disciplinary process are carefully managed and include references to:

- The University does not act as the police or a court of law. The University's disciplinary processes are designed to act in response to the types of misconduct outlined under section 2 of the Regulation.
- The investigative ability of the University is not the same as the police or courts e.g. forensic analysis and medical examinations are not available to the University.
- The Regulation only requires the University to reach conclusions on the 'balance of probabilities', and not the criminal standard of 'beyond reasonable doubt'.
- The University can only take the actions available to it under the Regulation.
- The University's disciplinary processes are conducted on a confidential, need-to-know basis.
- The Complainant's disclosure or complaint will need to form the evidence base should disciplinary action be taken and the Complainant will need to co-operate with any requests for information made of them.
- If a disciplinary hearing takes place, the Complainant may be asked to attend or participate in the hearing in the capacity of a witness. The Respondent will be a party to the same hearing, although measures can be taken to separate the Complainant and the Respondent. A disciplinary panel Chair may however permit the case to proceed on the basis of a written submission from the witness.
- The University can only provide limited details of the outcome to another student's disciplinary hearing. For example, the Complainant may be informed of the finding against the Respondent but not any other sensitive information pertaining to the Respondent.

3. Acting on the disclosure

3.1. On receipt of the Student Discipline Referral Form or Suspension Request Form, the Director will take forward the management of the case, liaising with other University departments as necessary, including the Respondent's and Complainant's academic School and will instruct what action needs to be taken. The Respondent will be communicated with by the Director and advised of any action to be taken and of any support that the student may be able to access. The Complainant will similarly be communicated with by the Director.

3.2. By means such as meetings, phone calls and email correspondence, the Director will seek to ascertain any outstanding information pertaining to the alleged misconduct and this information may include:

- 3.2.1. The nature of the misconduct, including where it took place, dates of the misconduct and who may have been affected.
- 3.2.2. The Complainant and Respondent's academic record e.g. degree programme, year of study etc.
- 3.2.3. The support services that either student may have accessed or any other relevant process that they may have been subject to e.g. previous disciplinary hearings.

- 3.3. If the Director agrees that major misconduct may have occurred and may necessitate suspension being taken against the Respondent, then the Director will instigate the Procedure for Suspension Pending a Disciplinary Investigation ([insert link](#)).
- 3.4. If the Director considers that misconduct may have been committed, but suspension is not required, then the Director will, in consultation with a Chair of the University Student Disciplinary Panel (“**USDP**”), assess the seriousness of the alleged misconduct and direct the most appropriate disciplinary process to initiate:
- 3.4.1. Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel ([insert link](#)).
- 3.4.2. Procedure for Summary Disciplinary Action ([insert link](#)).
- 3.4.3. Procedure for the University Student Disciplinary Panel ([insert link](#)).
- 3.5. The Respondent and the Complainant will both be notified if the case proceeds to a disciplinary hearing.
- 3.6. Given the sensitive nature of sexual misconduct allegations, if measures short of suspension are considered necessary to address any concerns in relation separating the students in their living or study arrangements pending a disciplinary hearing, then the Director may, in consultation with the USDP Chair, instruct such measures provided they are of a short and temporary duration and do not interfere with either student’s ability to progress with their studies. Recommendations may include:
- 3.6.1. Temporary adjustments to the students’ learning environments if both students are on the same programme e.g. attending different seminars, taking assessments apart etc;
- 3.6.2. Temporary relocation of, or an offer to permanently transfer, either student from University accommodation;
- 3.6.3. For there to be no direct or indirect contact between the Complainant and Respondent.
- 3.7. In the event that the Director, in consultation with a USDP Chair, considers that the need for disciplinary action or suspension has not been established, then the Complainant will be informed that this is the case and they will be reminded of the other options that may be open to them, including where they may seek support.

4. Document control

Document control box	
Policy / Procedure title:	Procedure for Handling Allegations of Sexual Misconduct
Date approved:	
Approving body:	TLG and MDC
Version:	1
Supersedes:	
Previous review dates:	
Next review date:	
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> Statute XXI (Conduct, discipline and academic progress of students) Regulation XVII (Conduct and Discipline of Students) Regulation XVIII (Student Complaints Procedure)
Equality relevance outcome:	High / Medium (delete as applicable)

Related policies/procedures/guidance:	<ul style="list-style-type: none"> • Procedure for Student Criminal Offences • Procedure for Suspending a Student • Procedure for Assessing whether an Allegation of Misconduct should be referred to the University Student Disciplinary Panel • Procedure for Summary Disciplinary Action • Procedure for the University Student Disciplinary Panel • Dignity at Work and Study Policy
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change

Procedure for Criminal Offences¹ (“Procedure”)

Content

1. Introduction
2. Misconduct and criminal offences
3. Disclosures of potential criminal offences by one student about another
4. Referral to the police
5. Information gathering
6. Action taken by the University
7. Custodial sentences
8. Document control

1. Introduction

- 1.1. Section 4 of Regulation XVII (Conduct and Discipline of Students) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>) (the “**Regulation**”) permits the University to take action when a student may have, or has, committed a criminal offence. Committing a criminal offence may constitute an act of misconduct under the Regulation as stated at paragraph 2(o) of the Regulation.
- 1.2. The University does not, in general, regard a criminal record to be an obstacle to studying at the University. However, the University is mindful of its duty of care towards all members of the University community and the need to provide a safe and secure environment for its staff, students, visitors and wider community.
- 1.3. Where a student has been reported to the police and/or receives a criminal conviction during their studies, then the University will assess how such matters may affect the student and its members. In order to do so, the University will need to balance the duty of care and responsibilities towards all members of the University community with the interests and well-being of the student concerned.

2. Misconduct and criminal offences

- 2.1. The University does not act as the police or a court of law. The University’s disciplinary processes are designed to act in response to the types of misconduct outlined under section 2 of the Regulation.
- 2.2. The investigative ability of the University is not the same as the police or courts e.g. forensic analysis and medical examinations are not available to the University.
- 2.3. The Regulation only requires the University to reach conclusions on the ‘balance of probabilities’, and not the criminal standard of ‘beyond reasonable doubt’.
- 2.4. The University does not have the same range of sanctions available as a court and can only take the actions available to it under the Regulation and its associated procedures.

¹ Any reference to a named officer in this Procedure should also be read as a reference to their delegated nominee.

2.5. Whilst court proceedings are usually conducted in a public forum, the University's disciplinary processes are conducted on a confidential, need-to-know basis.

3. Disclosures of potential criminal offence by one student about another.²

3.1. There may be instances when one student alleges ("**Complainant**") that another student ("**Respondent**") has committed a criminal offence against them. In such a scenario, staff should ensure that both students are treated fairly and there are no presumptions made about either student.

3.2. Disclosures of allegations of sexual misconduct should in the first instance be considered via the Procedure for Handling Allegations of Sexual Misconduct (insert link). A number of paragraphs under this section 3 are mirrored within the Procedure for Handling Allegations of Sexual Misconduct.

3.3. If the Complainant is not a victim of the alleged criminal offence and has not been directly affected by it, then the Complainant's involvement in the Procedure is likely to be more limited than as set out below.

3.4. It is important for a record of the disclosure to be made and securely stored by the member of staff receiving the disclosure and which clarifies:

3.4.1. Whether the Respondent is a registered student. If the Respondent is on an interruption, has left their programme of study or has graduated or is otherwise not a member of the University then the misconduct cannot normally be investigated.

3.4.2. Whether there is any ongoing police or court action.

3.4.3. Whether the misconduct took place on University premises or whilst engaged in a University activity.

3.4.4. What the Complainant is hoping to get from the disclosure e.g. support or disciplinary action.

3.5. A Complainant should be signposted to any relevant internal, and external, support services such as:

- Counselling Service: <http://www.counsellingservice.manchester.ac.uk/>
- University of Manchester Students' Union Advice Service: <https://manchesterstudentsunion.com/top-navigation/advice-service/wellbeing-advice>
- Security Service: <http://www.estates.manchester.ac.uk/services/security/contactus/>
- Report and Support: <https://www.reportandsupport.manchester.ac.uk/>
- ANother

3.6. The Complainant should be advised that they may:

3.6.1. Report the matter to the police (see Section 4 of this Procedure).

3.6.2. In accordance with paragraph 3.6, submit a complaint and which may then lead to disciplinary processes being instigated.

3.6.3. Consent (if they are the victim) to further action being taken through the remainder of this Procedure.

3.6.4. Take no further action.

3.7. Should a Complainant disclose matters that are considered more akin to potential breaches of the Dignity at Work and Study Policy (insert link), and these have not

² The majority of information under section 3 of this Procedure, is also mirrored under section 2 of the Procedure for Handling Allegations of Sexual Misconduct (insert link)

been reported to the police, then the Complainant's only recourse to have the matter considered further is by completing a Complaints Form (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=1894>) and submitting it to their Faculty under the Dignity at Work and Study Procedure for Students ([insert link](#)) within 40 working days of the issue prompting the complaint.

- 3.8. If a disclosure of an alleged criminal offence is first made via a formal complaint, the complaint case handler should replicate the steps detailed above and below. The handling of the complaint should be paused until it is known whether any disciplinary proceedings will be progressed. If disciplinary proceedings go ahead, then the case handler should notify the Complainant that the complaint is no longer being considered through the complaints process and is instead being taken forward as a disciplinary matter through the Regulation. If disciplinary proceedings do not go ahead, then the case handler should ask the Complainant to confirm, within ten working days, whether they wish for the consideration of the complaint to resume or if they wish to withdraw the complaint.
- 3.9. If from the information disclosed there is the potential that misconduct may have been committed, but there has not been a report made to the police, then the person receiving the disclosure should consider completing the [Student Discipline Referral Form](#) ([insert link](#)). The Form should then be reviewed by the member of staff's closest Authorised University Officer ("AUO") as described in paragraphs 6 and 7 of the Regulation to help determine whether or how the allegation is taken forward.
- 3.10. If the information disclosed appears very serious or urgent, such as the Complainant potentially being in immediate or likely harm or the disclosure is supported by substantial and credible evidence, and the student has or has not reported the incident to the police, then the person receiving the disclosure from the Complainant should request their consent to complete [the Student Suspension Request Form](#) ([link to be inserted](#)). The Form should then be reviewed by the member of staff's closest Authorised University Officer ("AUO") as described in paragraphs 6 and 7 of the Regulation, and then submitted to the Director of Campus Life ("Director").
- 3.11. Disclosure of a potential criminal offence may lead to the University instigating its disciplinary processes. It is therefore important that a Complainant's expectations about the disciplinary process are carefully managed and include references to:
 - The information outlined at section 2 of this Procedure.
 - That the University cannot take disciplinary action against a former student.
 - That their disclosure or complaint will need to form the evidence base should disciplinary action be taken and the Complainant will need to co-operate with any requests for information made of them.
 - If a disciplinary hearing takes place, the reporting student may be asked to attend or participate in the hearing in the capacity of a witness. The reported student will be a party to the same hearing, although measures can be taken to separate the two parties. A disciplinary panel Chair may however permit the case to proceed on the basis of a written submission from the witness.
 - The University will only be able to provide limited details of the outcome to another student's disciplinary hearing. For example, the reporting student may be informed of the finding against the other student but not any other personal information pertaining to the other student.

4. Referral to the police

- 4.1. Paragraph 4.1 of the Regulation allows the University to report alleged criminal offences to the police. If a member of staff is concerned that a student has committed a criminal offence against, or affecting, the University e.g. theft of property, then whether a report should be made to the police will need to be assessed on a case-by-case basis and may consider:
 - 4.1.1. The seriousness of the alleged offence.
 - 4.1.2. The affect of the alleged offence on the health, safety and well-being of others.
 - 4.1.3. Whether the alleged offence is one which is more proportionate to consider through the disciplinary processes.
- 4.2. If the disclosure of an alleged offence has come from the person identifying themselves as the victim, then when deciding whether to report a matter to the police, the member of staff in receipt of the disclosure should normally respect a victim's wishes. Unauthorised disclosure may potentially harm the victim. The University should only act contrary to the victim's wishes in exceptional circumstances, such as to prevent a further crime taking place.

5. Information gathering

- 5.1. A staff member may become aware of a student being, or having been, investigated or prosecuted by the police, or convicted by a court. This information may come to a member of staff's attention by various means, such as disclosure at a meeting, through email, another student's complaint or publication in the media. If a member of staff becomes aware of such matters then, subject to the above sections of this Procedure, they should complete **the Student Discipline Referral Form (link to be inserted)**. The Form should then be agreed by the member of staff's closest Authorised University Officer ("AUO") as described in paragraph 7 of the Regulation, and then submitted to the Director of Campus Life ("Director").
- 5.2. By means such as meetings, phone calls and email correspondence, the Director will seek to ascertain any outstanding information pertaining to the reported student and the offence, or alleged offence, and this information may include:
 - 5.2.1. The nature of the incident, including where it took place, dates of the incident and who may have been affected.
 - 5.2.2. The decisions taken by the police or court.
 - 5.2.3. The student's academic record e.g. degree programme, year of study etc.
 - 5.2.4. The support services that either student may have accessed or any other relevant process that they may have been subject to e.g. previous disciplinary hearings.
- 5.3. The Director will take forward the management of the case, liaising with other University departments as necessary, including the reported student's academic School, where relevant any student Complainant's academic School, and any outside agencies (e.g. the police), and will direct what action needs to be taken.
- 5.4. The reported student will be communicated with by the Director and advised of any action to be taken and of any support that they may be able to access. If the disclosure has come from a student Complainant linked to the offence, they will similarly be communicated with by the Director.
- 5.5. Students on professionally accredited programmes may be required to disclose police investigations and criminal convictions to their School. In such circumstances, the School may consider instigating its available fitness to practise processes.

6. Action taken by the University

- 6.1. The action that the University decides to take will depend upon the stage of the external action by the police and courts.
- 6.2. When a decision by the police or courts is pending and the offence may also constitute misconduct, then any internal disciplinary action is likely to be deferred until the conclusion of the external processes. In such circumstances:
 - 6.2.1. If the criminal offence is considered serious (such as one that is likely to attract a custodial, including suspended, sentence if proved in a criminal court or that can only be tried in a criminal court), then the University will take no disciplinary action other than to suspend the student as per the Procedure for Suspending a Student Pending a Disciplinary Investigation [\(insert link\)](#).
 - 6.2.2. If the criminal offence is considered to be not serious (such as one which is unlikely to attract a custodial sentence), then the University may permit the student to continue studying at the University pending a decision by the police or courts. Continuation may be subject to recommendations being made to the student e.g. referral for support.
- 6.3. At the point that the police decide to prosecute or not to prosecute a student, or the court convict or do not convict a student, then the Director will complete a review. The review may be revisited at the end of a custodial sentence under 12 months if such a penalty is imposed by the courts. The review will consider:
 - 6.3.1. The finding of the police and court and any penalty imposed.
 - 6.3.2. Whether the student poses a real threat to the safety or property of other members of the University or its wider community if they were to return to study.
 - 6.3.3. Whether the student's continuation of study might be contrary to the requirements of any relevant professional or other regulatory body.
 - 6.3.4. Information that was available during the process outlined at Section 5 of this Procedure and that has subsequently become available e.g. probation report.
 - 6.3.5. The risk of re-occurrence, including the steps taken by the student to ensure that any behaviour or actions of the student are not repeated.
 - 6.3.6. Whether the student has sought support inside or outside the University and, if so, the sufficiency of that support.
 - 6.3.7. If the student was suspended, whether this needs to remain in place.
 - 6.3.8. The student's programme of study, the stage that they are/were at and whether the programme is still available.
- 6.4. During the course of the review the Director may look to involve other internal and external services and the student(s) concerned as appropriate.
- 6.5. After completing the review, if the student is considered to have committed misconduct under the Regulation, then the Director will consider the disciplinary action required, and at what level it should be taken. If a student has been suspended pending disciplinary action and is convicted but does not receive a custodial sentence then, should disciplinary action be instigated, the University will look to allocate the student's case to a hearing as soon as practicable and the decision reached by the disciplinary panel will replace the suspension. It is important to note that a decision not to prosecute by the police or a finding of not guilty by the court, does not preclude the University from taking internal disciplinary action for misconduct the Regulation.

6.6. Where a sentence has been imposed by the courts for the same set of circumstances as the allegation of misconduct being considered by a disciplinary panel, this will be taken into account during any disciplinary process.

6.7. On the basis of the review, if a student is not referred for disciplinary action, the Director may make recommendations to the student which will be determined based on the circumstances of the case. Such recommendations may include:

- A referral to support services.
- That the student agrees to provide an undertaking as to good future conduct at the University.
- When the student may be able to return to study (and the academic requirements upon their return).
- Arranging a return to study meeting with the student's School.
- Referral through the Fitness to Study Policy ([insert link](#)).

7. Custodial sentences

7.1. Where a custodial sentence is less than 12 months in duration and the student has already been suspended by the University, then the suspension will remain in effect until the custodial sentence is at an end. Any future re-entry to the student's programme of study will be considered as part of the review detailed under paragraph 6.3.

7.2. As interruptions are usually only granted for periods of 12 months or less, if a student receives a custodial sentence that is less than 12 months in duration, but they have not already been suspended, then their student record will show them as being on an interruption for personal reasons. Any future re-entry to the student's programme of study will be considered as part of the review detailed under paragraph 6.3.

7.3. For custodial sentences of longer than 12 months in duration, then the student may be required to withdraw from their degree. A review of the nature described at paragraph 6.3 will need to be undertaken, and should it be decided that it is not appropriate or practical for the student to return to study after the custodial sentence, then the student will be notified in writing by the Director. The student will usually be entitled to an academic transcript and exit award based on their credit accumulation up until their last date of attendance.

7.4. If a student wishes to challenge the decision to withdraw them as a result of paragraph 7.3, then they should be directed to do so via Regulation XVIII (Student Complaints Procedure) ([insert link](#)).

8. Document control

Document control box	
Policy / Procedure title:	Procedure for Student Criminal Offences
Date approved:	
Approving body:	TLG and MDC
Version:	1
Supersedes:	
Previous review dates:	

Next review date:	
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> • Statute XXI (Conduct, discipline and academic progress of students) • Regulation XVII (Conduct and Discipline of Students) • Regulation XVIII (Student Complaints Procedure)
Equality relevance outcome:	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> • Procedure for Handling Allegations of Sexual Misconduct • Procedure for Suspending a Student • Procedure for Summary Disciplinary Action • Procedure for the University Student Disciplinary Panel • Dignity at Work and Study Policy
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therese.Reinheimer-Jones@manchester.ac.uk)
Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)

Amendment history

Version	Date	Reason for change

Procedure for the Consideration of Allegations of Academic Malpractice or Research Misconduct made after Graduation in Respect of Work Submitted for an Award of the University ("Procedure")

Content

- 1. Introduction
- 2. Initial investigation
- 3. Process for considering an allegation
- 4. Appeals
- 5. Document control

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1. Introduction

1.1 The University has the power under Statute XX¹.7 to revoke a degree after a student has graduated. The Procedure following sets out the procedure for considering allegations of academic malpractice or research misconduct concerning work already submitted for an award of the University in respect of a completed taught or postgraduate research programme. ~~_(A procedure already exists to deal with similar cases involving research programmes which is set out in the Code of Practice for Dealing with Complaints of Misconduct in Research)._~~

1.2 Statute XX.7 states that:

"The Board² may, on the recommendation of the Senate, and for good cause shown, deprive persons of any degree or other academic distinction awarded to them by the University. Before any such recommendation is submitted to the Board, the person concerned shall be given a reasonable opportunity to appear before and state his or her case to a committee appointed by the Board and the report of such committee shall be placed before the Board for consideration."

~~1.3 Allegations of academic malpractice against registered students would be referred to the University Student Disciplinary Panel of Senate. Arrangements for considering revoking a degree on the grounds of academic malpractice are accordingly informed by those established for the University Student Disciplinary Panel by Regulation XVII (Conduct and Discipline of Students).~~ Allegations of academic malpractice or research misconduct against registered students are considered through Regulation XVII (Conduct and Discipline of Students) (insert link) (the "Regulation") and its associated procedures. Arrangements for considering allegations of academic malpractice or research misconduct arising after graduation are informed by the Regulation and its associated procedures (subject to any variation described within this Procedure).

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2. Initial investigation

2.1 In respect of allegations of academic malpractice, the University shall initially adhere to the Academic Malpractice Procedure (insert link).

2.2 In respect of respect of allegations of research misconduct concerning postgraduate research students, the University shall initially adhere to the Code of Practice for Investigating Concerns About the Conduct of Research (insert link).

2.3 Should a member of staff (normally an Authorised University Officer (as described at paragraph 6 and 7 of the Regulation) reviewing the initial disclosure of the allegation against the former student, conclude that there may be a case to answer, then they should complete

¹ Degrees and other academic distinctions

² Board of Governors ("Board")

and submit an Allegation of Misconduct Form (insert link) to the Division of Campus Life (acting on the delegated authority of the Registrar, Secretary and Chief Operating Officer).

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~~1. The University has the power under Statute XX.7 to revoke a degree. The following sets out the procedure for considering allegations of academic malpractice concerning work submitted for an award of the University in respect of a taught programme. (A procedure already exists to deal with similar cases involving research programmes which is set out in the Code of Practice for Dealing with Complaints of Misconduct in Research).~~

~~2. Statute XX.7 states that "The Board [of Governors] may, on the recommendation of Senate, and for good cause shown, deprive persons of any degree or other academic distinction awarded to them by the University. Before any such recommendation is submitted to the Board, the person concerned shall be given a reasonable opportunity to appear before and state his or her case to a committee appointed by the Board and the report of such committee shall be placed before the Board for consideration".~~

~~3.1. Allegations of academic malpractice against registered students would be referred to the University Student Disciplinary Panel of Senate. Arrangements for considering revoking a degree on the grounds of academic malpractice are accordingly informed by those established for the University Student Disciplinary Panel by Regulation XVII (Conduct and Discipline of Students).~~

3 Disciplinary process

3.1 Upon receipt of an Allegation of Misconduct Form the Division will, if considered appropriate, look to arrange for a University Student Disciplinary Panel ("USDP") to convene, which for the purposes of Statute XX.7 will act as the nominee of Senate. The process for the USDP will mirror that detailed within the Procedure for the University Student Disciplinary Panel (insert link).

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4. Accordingly

~~(i) Allegations of academic malpractice in respect of work submitted for an award already conferred by the University will be considered by the Statute XX.7 Committee (Academic Malpractice) which will make recommendations to the Board of Governors on its findings.~~

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~~(ii) The constitution of the Statute XX.7 Committee (Academic Malpractice) is as follows:~~

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- ~~• Vice President for Teaching & Learning (Chair)~~
- ~~• A Head of School~~
- ~~• Two members of academic staff (from the panel appointed by Senate for the purposes of the University Student Disciplinary Panel)~~
- ~~• A full-time student of the University (nominated by the General Secretary of the Students' Union)~~

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3.2 The Statute XX.7 Committee (Academic Malpractice) [hereafter called "the Committee"] will conduct its business in accordance with the rules of natural justice and in line with arrangements set out for the University Student Disciplinary Panel of Senate. Should the USDP determine that academic malpractice or research misconduct has occurred in a former student's piece of work that has previously been submitted for assessment, then it will recommend a penalty (or penalties) in keeping with the spirit of those available under Procedure for Applying Student Discipline Penalties (insert link). In most cases the effect of applying a penalty, or penalties, will lead to the revocation of the original degree. However the exact end effect may be dependent on a penalty itself. For example:

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3.2.1 A penalty of a degree class reduction will lead to the original degree award being revoked and replaced by a lower class of degree.

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3.2.2 A penalty of expulsion will normally mean that a former student's degree is revoked and they are not recognised as having a degree from the University.

4.2.1.1-4.2.3 A former student who receives a mark of zero for the unit or piece of work subject to the allegation may be offered a reassessment opportunity in the piece of work if reassessment opportunities would have existed prior to graduation.

3.3 When the USDP has reached a decision, a written record of the hearing shall be made. A recommendation, with reasons, shall then be passed by the USDP to the Board for consideration. Consideration may be on the basis of Chair's action. If the Board endorse the recommendation, then a letter that confirms the decision, and reasons for it, shall be sent to the former student within ten working days of the Board's decision. If the Board do not endorse the recommendation, then the Division will look to implement any actions identified by the Board e.g. to reconvene the USDP. A letter confirming the Board's decision, and reasons for it, shall be sent to the student within ten working days of the decision being finalised.

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4 Appeals

4.1 The process for appeals will mirror that detailed within the Procedure for the University Student Disciplinary Panel. However the Appeal Board composition should include a member of the Board (in addition to the usual quoracy).

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4.2 The Appeal Board is empowered to reach a final decision within the University.

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~~(ii) The range of recommendations available to the Committee are: to take no further action, to reduce the class of degree, to revoke the award and award a lesser qualification, or to revoke the award. The Committee will be informed in its decision-making by the application of penalties imposed by the University Student Disciplinary Panel for academic malpractice cases and the consequences of those penalties. For example, the consequence of the University Student Disciplinary Panel deciding to give the work in question a mark of zero and that no reassessment be allowed, would normally lead to failure or an award being made at a lower level (e.g. a reduction in the class of degree, or the award of a PG Diploma instead of MSc). The logical equivalent recommendation for the Statute XX.7 Committee to make to the Board of Governors would be to revoke the original award and impose a lesser qualification instead. A further example: when a student is excluded from the University as the result of academic malpractice, they do not receive any award. If the Statute XX.7 Committee~~

~~(iii)~~

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~~determined that this would have been the appropriate penalty for a registered student, the equivalent recommendation to the Board of Governors would be to revoke the award and not make an alternative award. The Committee would thus determine a suitable 'penalty' in the spirit of the penalties available to University Student Disciplinary Panel, and make a recommendation to the Board accordingly.~~

~~(iv) A Statute XX.7 Appeal Board is constituted as for appeals of University Student Disciplinary Panel decisions, but with the addition of a member of the Board of Governors. Thus the Statute~~

~~XX.7 Appeal Board is constituted as follows:~~

~~A Vice-President or a Dean of a Faculty, Associate Vice-President or Associate Dean (in the Chair)~~

~~A Lay Member of the Board of Governors A Head of School~~

~~One professorial member and one non-professorial member of the academic staff, drawn in each case from a panel appointed for the purpose by the Senate~~

~~A full-time student of the University nominated by the General Secretary of the Students' Union.~~

~~(v) The decision of the Appeal Board would be final within the University. Respondents would be entitled to refer the case to the Office of the Independent Adjudicator for Higher Education.~~

~~5. The establishment of a Statute XX.7 Committee will be initiated by the Registrar, Secretary and Chief Operating Officer following representations from or in consultation with the Faculty concerned and on the basis that sufficient *prima facie* evidence exists.~~

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Document control box	
Policy / Procedure title:	Procedure for the Consideration of Allegations of Academic Malpractice or Research Misconduct made after Graduation in Respect of Work Submitted for an Award of the University
Date approved:	
Approving body:	TLG and MDC
Version:	3
Supersedes:	August 2018
Previous review dates:	
Next review date:	
Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none"> Statute XX (Degrees and other academic distinctions) Statute XXI (Conduct, discipline and academic progress of students) Regulation XVII (Conduct and Discipline of Students)
Equality rating	High / Medium (delete as applicable)
Related policies/procedures/guidance:	<ul style="list-style-type: none"> Academic Malpractice Procedure Procedure for the University Student Disciplinary Panel Procedure for Applying Student Discipline Penalties Code of Practice for Investigating Concerns about the Conduct of Research
Policy owner:	Therese Reinheimer-Jones (Director of Campus Life) (Therse.Reinheimer-Jones@manchester.ac.uk)

Lead contact:	Matt Valentine (Student Conduct and Discipline Manager) (Matthew.Valentine@manchester.ac.uk)
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Amendment history

Version	Date	Reason for change
1	30/03/2010	
2	August 2018	Minor factual update