

VIII. Conduct Regulations

1. Introduction

1.1 The primary purposes of the University are the advancement and application of knowledge and the education of its members; its central activities are teaching, learning and research. These purposes can be achieved only if the members of the University community can live and work beside each other in conditions which permit freedom of thought and expression, within a framework of respect for the rights of other persons. It is the function of University discipline to protect from disruption these essential activities and the administrative structure on which they depend.

1.2 Students are expected to conduct themselves at all times in a manner which demonstrates respect for the University, its staff, fellow students and the wider community.

1.3 The Conduct Regulations uphold the primary purposes of the University, without unnecessarily (a) limiting the freedom of expression and action which members of the University enjoy as citizens within the law; or (b) infringing the privacy of the individual.

1.4 Guidance on the Conduct Regulations and the protocol for the conduct of disciplinary meetings is available at:

<http://www.qub.ac.uk/directorates/AcademicStudentAffairs/AcademicAffairs/AppealsComplaintsandMisconduct/StudentDiscipline/StudentGuide/>.

1.5 Where any term used in these Regulations may also constitute a criminal offence, it is the common meaning of the term that is intended.

2. General Principles

2.1 Delegation of Authority

2.1.1 The authority of the University to take disciplinary action against students who have breached the disciplinary code derives from the powers and authority of the Senate and Academic Council as set out in Statutes V, VII and XI of the University Statutes and the terms and conditions of the agreement entered into by each student and the University upon enrolment.

2.1.2 No person can therefore be a student without being subject to the disciplinary powers of the Senate and Academic Council. By enrolling on any University course, a student becomes subject to University discipline whether or not they expressly agree to be bound by it, and whether or not they are aware of the substance of the disciplinary rules.

2.1.3 The appropriate Code of Conduct and Discipline Regulations for students registered or receiving tuition in Collaborative Institutions will be set out in the Memorandum of Agreement between the University and the Collaborative Institution. Any issue of interpretation will be determined by the Director of Academic and Student Affairs (University) and the Director/Principal of the Collaborative Institution. Their joint decision will be final.

2.1.4 Under the Charter and Statutes, the Vice-Chancellor has ultimate responsibility for student discipline. The procedures in these Conduct Regulations derive from this responsibility and cover matters relating to student discipline. The Vice-Chancellor may delegate this authority to a Pro-

Vice-Chancellor and any subsequent reference to the Vice-Chancellor in these regulations should also be read as applying to a Pro-Vice-Chancellor.

2.1.5 The Vice-Chancellor will normally delegate the authority to deal with disciplinary matters to the relevant Disciplinary Officer or any other officer of the University, as is appropriate, given the circumstances of the case. This will include the decision on whether the cases of all or any of the students accused of the same or substantially similar misconduct shall be investigated and/or heard together. A reference in these Conduct Regulations to a Disciplinary Officer should be read as also applying to any other officer acting under delegated authority.

2.1.6 The Disciplinary Officers shall be:

- i. Heads of School, including the Director of the Institute of Professional Legal Studies and the Director of the Institute of Theology or their nominees.
- ii. Professional Support Directors or their nominees.
- iii. Director of the Students' Union.
- iv. Any member of staff in charge of a field trip (see 3.3).

2.1.7 Allegations of misconduct made against any student will be dealt with by the Disciplinary Officer or a Committee of Discipline (see 3.1.12 or 3.1.13), in consultation with any other appropriate officer of the University if necessary.

2.1.8 The jurisdiction of a Pro-Vice-Chancellor and the Committee of Discipline is unrestricted. The jurisdiction of Disciplinary Officers shall be as follows, except in any case where the Vice-Chancellor exercises the power given in 2.1.5 above to refer the case to the most appropriate Disciplinary Officer:

- i. That of a Head of School to students registered in their School.
- ii. That of the Director of Information Services to cases concerned with students in the course of using or occupying premises, equipment, or property of the University Library and to cases concerned with students using or occupying the premises, equipment or property of Information Services, or involving the misuse of University computers on internal and external networks throughout the University. The University has an Information Security Policy that contains acceptable use policies for the internet and email. All students are bound by the provision of this Policy and the Director of Information Services shall have the summary power to suspend student access to computing facilities and shall report such action to the Vice-Chancellor.
- iii. That of the Head of Public Engagement (or nominees) to students off-campus, whose behaviour and/or actions may violate the Conduct Regulations, for example, by bringing the name of the University into disrepute.
- iv. That of the Director of the Institute of Professional Legal Studies to students registered for any course in the Institute and to cases concerned with the premises, equipment or property of the Institute, or activity related to being a student of the Institute.
- v. That of the Director of the Institute of Theology to students registered for any course in the Institute and to cases concerned with the premises, equipment or property of the Institute or the Theological Colleges, or activity related to being a student of the Institute.

- vi. That of the Head of Queen's Sport to cases concerned with students in the course of activity relating to, using or occupying the premises, equipment or property of Queen's Sport.
- vii. That of the Director of the Students' Union to student members of the Students' Union and to cases concerned with their behaviour within the Students' Union, in the course of activity related to the Students' Union, and the premises, equipment or property of the Students' Union. Also included are any premises within the University where Students' Union events are organised, University playing fields, and breaches of the Conduct Regulations committed in the course of Rag Day activities.
- viii. That of the Head of Accommodation to students living in University residences and the premises, equipment or property in these residences.
- ix. That of a member of staff in charge of a field trip to students on the trip.

2.1.9 In complex cases, where more than one procedure may apply, the Director of Academic and Student Affairs shall decide which University Regulations shall be followed.

2.1.10 Advice on the Conduct Regulations is available from Academic Affairs (email: appeals@qub.ac.uk).

2.2 Definitions

In these Regulations:

- i. A student who brings an allegation of misconduct against another registered student shall be referred to as "the reporting student";
- ii. A member of staff or member of the public who brings an allegation of misconduct against a registered student shall be referred to as "the reporting person"; and
- iii. A registered student against whom an allegation of misconduct is brought shall be referred to as "the responding student".

2.3 Confidentiality

The University will take all reasonable steps to limit the disclosure of information as is consistent with investigating the issue(s) raised and the provisions of the Human Rights Act 1998, the General Data Protection Regulation 2016, the Data Protection Act 2018, the Freedom of Information Act 2000, and any other relevant legislation. All staff and students who become involved in the Disciplinary Procedures are required to respect the integrity of the process and the confidentiality of information arising from it both during and after the conclusion of the process, unless there is an overriding reason to disclose information. Information will only be released to those who need it for the purpose of investigating or responding to a matter; no third party will be told any more about the investigation than strictly necessary in order to obtain the information required from them. Where a formal statement of complaint has been made about a student, that student will normally be provided with a copy of the statement. Any person who makes a formal statement of complaint will be advised of this accordingly.

2.4 Communication

The University will normally communicate by email with anyone involved in the University process. In the case of registered

students or University staff, this will normally be to their University email address. Where correspondence is sent to a registered student by post it will be sent to the term-time address registered with the University.

2.5 Notification of Decisions

Unless otherwise stated, notification of a decision will be sent to the student and copied to relevant persons normally within eight working days of the decision being taken. If there is a delay in the decision being made, the student will be advised.

2.6 Defamatory or Derogatory Comments

Students should be careful not to make unsubstantiated or defamatory allegations or comments about students, members of University staff or any other person. If the University considers that an allegation or comment may be deemed to be defamatory, it may require it to be retracted or deleted before permitting the investigation to continue. If a student refuses to do so, the offending material may be deleted by the University and the student may also be referred for a separate investigation under these regulations.

2.7 Evidence

The University reserves the right to request and consider independent evidence, including medical evidence, as it deems appropriate. Where considered necessary, a committee may adjourn a meeting in order to allow time for such further evidence to be obtained.

2.8 No Formal Complaint

The University reserves the right to take disciplinary action against a responding student of its own volition, even if the reporting student or reporting person does not wish to make a formal statement of complaint. In particular, the University reserves the right to take disciplinary action against a student in light of information received by way of disclosure under Report and Support (<https://reportandsupport.qub.ac.uk/>), or under the Whistleblowing Policy (<https://www.qub.ac.uk/about/Leadership-and-structure/Registrars-Office/FileStore/Fileupload,697383,en.pdf>), and whistleblowers will be protected in accordance with the Policy.

2.9 Duty of Candour/Fabricated Evidence

2.9.1 It is expected that any person involved in any University process will treat all others involved with respect and courtesy and will behave honestly and with integrity throughout the process. It is also expected that any evidence (written or oral) provided to the University will be true to the best of that person's knowledge.

2.9.2 Any registered student considered to have acted dishonestly or to have provided false evidence may be referred for investigation under the Conduct Regulations and/or the Fitness to Practise Procedure (as appropriate).

2.10 Support and Right to Be Accompanied

2.10.1 Any student against whom an allegation of misconduct has been made may access support from the University's

Student Wellbeing Service (<https://www.qub.ac.uk/directorates/sgc/wellbeing/>). Advice and support is also available from the Students' Union (<http://www.qubsu.org/AdviceSU/>).

2.10.2 Any student has the right to be accompanied at any stage in the proceedings by a registered student of the University (which shall include a Students' Union Sabbatical Officer), or a member of staff of the University, or University Chaplaincy. At all stages of the process, students will be notified of their right to be accompanied. A student may be permitted, exceptionally, and with the approval of the Pro-Vice-Chancellor (Education and Students), to be accompanied by an additional internal member of the University or a member of an external organisation to ensure that the pastoral needs of the student are fully met. In such cases, the input of Disability Services and Student Wellbeing will be sought in advance.

2.10.3 The role of the person accompanying a student is one of support, not representation, and the student will be expected to answer questions themselves and make their own representations.

2.11 Recordings

Students are not permitted to make electronic or digital audio or visual recordings of any meetings or proceedings under these regulations without the express written consent of all participants.

2.12 Disciplinary Meetings

2.12.1 Responding students are required to attend disciplinary meetings.

2.12.2 Where a responding student fails to attend a meeting without good cause, the Disciplinary Officer or Committee may consider the case in the absence of the responding student and without further notice if the Committee is satisfied that the date, time and venue of the meeting have been notified in writing to the responding student.

2.12.3 Where a responding student notifies Academic Affairs that they will be unable to attend the Disciplinary Officer Hearing or the Committee meeting and shows good cause, the Disciplinary Officer or the Committee may exercise their discretion to adjourn the hearing at any time. It is the responsibility of the responding student to establish good cause to the satisfaction of the Disciplinary Officer or the Committee.

2.12.4 The Disciplinary Officer or the Committee may exercise its discretion to adjourn the meeting at any time.

2.13 Anonymous Reports

2.13.1 Anonymous reports of concerns will not normally be considered. However, where the report raises issues of serious concern, the University may take steps to investigate the matter, in particular, disclosures made under the Whistleblowing Policy (<https://www.qub.ac.uk/about/Leadership-and-structure/Registrars-Office/FileStore/Fileupload,697383,en.pdf>), or under Report and Support (<https://reportandsupport.qub.ac.uk/>) (see 2.8 above).

2.13.2 Only in exceptional circumstances will the identity of the person reporting a concern be permitted to remain confidential, provided this is consistent with the rules of natural justice.

2.14 Equality, Diversity and Fair Treatment

2.14.1 The University has a legal, as well as a moral duty, to treat all students fairly. The University values and promotes equality and diversity and will seek to ensure that it treats all individuals fairly and with dignity and respect. The University seeks to provide equality to all, irrespective of: gender, including gender re-assignment; marital or civil partnership status; having or not having dependants; religious belief or political opinion; race (including colour, nationality, ethnic or national origins, including Irish Travellers); pregnancy, including maternity and paternity rights; disability; sexual orientation and age.

2.14.2 Within this procedure, where possible, there will be an equal gender balance on committees.

2.14.3 Where a responding student is unable to participate in an investigation or proceedings commenced under these Regulations for medical reasons, medical evidence will be required to confirm that this is the case. In such circumstances, any investigation or proceedings will normally be postponed until the responding student is deemed fit to participate by a medical professional, or the responding student confirms that they wish to proceed. Responding students who are unable to participate for medical reasons may be required to take a period of temporary withdrawal.

2.15 Less Favourable Treatment

No person who is subject to investigation under this procedure will be treated less favourably as a result. Victimisation shall be grounds for a further, separate complaint.

2.16 Standard of Proof

At all times, the principles of natural justice shall be observed and the standard of proof shall be on the balance of probabilities.

2.17 Reasonable Adjustments

Students will be invited to notify Academic Affairs if they require any reasonable adjustments in order to make the process accessible. This may include consultation with Disability Services.

2.18 Deadlines/Timescales

The University will endeavour to meet all timescales set out in this procedure. It may however prove impossible to meet these timescales when key staff are on leave, or otherwise indisposed, or where the complexities of the case warrant extended scrutiny. Where it is not possible for the University to meet the deadlines, for whatever reason, the reporting student, the reporting person and the responding student will be informed, as appropriate.

2.19 Late Appeals

2.19.1 Appeals against the decision of a Disciplinary Officer (see 13.2) or against the decision of a Committee of Discipline (see 14.2) received after the specified deadline will not be considered unless the responding student can evidence circumstances beyond their control (e.g. hospitalisation).

2.20 Withdrawal of Student Prior to Conclusion of Investigation into the Allegation of Misconduct

If a responding student withdraws or is withdrawn or graduates from the University during the course of an investigation or proceedings commenced under the Conduct Regulations, the University reserves the right to;

- i. continue with the investigation in accordance with these Regulations, and to hear the allegation of misconduct in the absence of the responding student without further notice, following their withdrawal; or
- ii. suspend the investigation in the absence of the responding student following their withdrawal, and in the event that the responding student subsequently applies to the University for re-admission, to recommence the investigation in accordance with these Regulations. Any recommencement of the investigation will (as far as reasonably practical) take place prior to the start of the next academic year, and any offer of a place will, (in addition to any other e.g. academic conditions), be conditional upon (i) conclusion of the investigation into the allegation of misconduct and (ii) compliance with any subsequent penalty, or Future Conduct Agreement applied under these Regulations.

2.21 Prima Facie Screening

2.21.1 The onus is on the reporting student or reporting person to present sufficient evidence to warrant investigation under the Conduct Regulations. Where it is not clear that a *prima facie* case has been presented, upon receipt of an allegation of misconduct against a student, the Disciplinary Officer (or the member of staff to whom an allegation of misconduct has been made) will forward the case to Academic Affairs (appeals@qub.ac.uk) for consideration by a Screening Panel. The Screening Panel, comprising two senior members of University staff, will consider the allegation and any supporting evidence and determine:

- i. Whether or not sufficient evidence has been presented to demonstrate a *prima facie* case; and, if so
- ii. Which University regulations or procedure should be followed.

2.21.2 If the Screening Panel determines that there is a *prima facie* case, the matter will be referred for investigation under the appropriate University regulations or procedure.

If the Screening Panel determines that there is no *prima facie* case, the reporting student or reporting person will be advised and will be afforded the right to request a review by a Review Panel, comprising two senior members of University staff, on the following grounds:

- i. There is substantive and relevant new evidence which could not have been presented to the University at the time of making the allegations.
- ii. There was a procedural irregularity in the consideration of the case and/or the decision by the Screening Panel which had a demonstrable impact on the decision (e.g. that evidence was not considered).

2.21.3 The Review Panel will consider the material provided to the Screening Panel, together with any additional information or documentation provided and may also seek further information, if necessary. The Review Panel will either:

- i. Determine that a *prima facie* case has been presented and refer the matter for consideration under the appropriate University procedure.

- ii. Confirm the decision of the Screening Panel that a *prima facie* case has not been presented and dismiss the allegation.

The reporting student or reporting person shall be informed in writing. There shall be no further internal right of appeal against the decision of the Review Panel.

3. Misconduct

3.1 Definition of Misconduct

3.1.1 Misconduct under these regulations is deemed to be improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University; or behaviour which brings, or may bring, the University into disrepute. Misconduct includes sexual misconduct. This applies whether or not the misconduct takes place on University property and can include misconduct through Social Media. The Conduct Regulations are in place to protect the wellbeing of the students, staff, wider community and the reputation of the University. Some of the most common examples of misconduct and guidance on standard penalties for those offences are listed in Annex 1.

3.1.2 Subject to 3.1.3, these regulations, if invoked, will take precedence over all other University Codes and Regulations without prejudice to 3.2.8 below.

3.1.3 In cases where either the Conduct or Fitness to Practise Regulations may be invoked, the University Officer to whom an allegation of misconduct has been made shall liaise with the appropriate School and any other Officer as required. In consultation with the Director of Academic and Student Affairs they shall decide which set of regulations should apply. However, the decision to invoke one set of regulations does not preclude a later decision to transfer a case to another set of regulations, if the circumstances or details of the case, after further investigation, deem it to be more appropriate.

3.1.4 Once a student has signed a contract as a member of University staff (excluding students employed through On Campus Jobs), any allegation of misconduct which relates to their employment, will be dealt with by the Human Resources Directorate. Human Resources should ensure that any student employed immediately after their period of study, is not subject to misconduct under these regulations.

3.1.5 In circumstances where behaviour arising from a diagnosed or suspected mental illness and/or physical or behavioural difficulties constitutes a breach of the Conduct Regulations, disciplinary procedures will normally be a last resort, and will be applied only if reasonable adjustments, medical and counselling interventions have failed to address satisfactorily the problem behaviour, or have been refused by the student.

3.1.6 The regulations apply to misconduct occurring in any place to which a student is permitted access by virtue of their status as a student which may bring the name of University into disrepute. For example, visits to other institutions including overseas academic exchange or placement visits, field trips and work placements, are also covered by these regulations. Students must also comply with any special study regulations made known to them.

3.1.7 The University reserves the right to invoke its own disciplinary procedures, not excepting that a professional, statutory or regulatory body (PSRB) may have initiated civil, criminal or other proceedings, if it is considered appropriate. Where a finding of misconduct is made, and the student has been disciplined by a PSRB, the professional body's penalty shall

be taken into consideration in determining the penalty under these regulations.

3.1.8 The University will not investigate criminal offences. However, the University will investigate allegations of misconduct if it is deemed that the student's behaviour may constitute a breach of the University's Conduct Regulations. Where the alleged misconduct would also constitute an offence under the criminal or civil law, any action under these regulations will normally be postponed pending the outcome of the criminal or civil proceedings. However, the University reserves the right to consider imposing a precautionary suspension (see 7 below) or to take action under these regulations, if considered appropriate.

3.1.9 The level of disciplinary action which will be pursued in each case will be determined by the particular circumstances. However, the severity and circumstances of an offence should be taken into account when determining whether it should be heard by a Disciplinary Officer or a Committee of Discipline.

3.1.10 The list below provides examples of offences normally heard respectively by a Disciplinary Officer and a Committee of Discipline.

3.1.11 A second offence of an identical or similar nature will normally be referred to a Committee of Discipline. A second offence of a different nature may be dealt with by a Disciplinary Officer.

3.1.12 Disciplinary Officer

- i. Smoking or vaping in a non-designated area (outside).
- ii. Drinking alcohol in a prohibited area.
- iii. Smoking or vaping in a prohibited area (inside).
- iv. Burning incense or candles on University premises without appropriate authorisation.
- v. Minor anti-social disturbance including off-campus noise disturbance.
- vi. Causing minor harm, or threatening to cause minor harm, to another person (eg slap, push).
- vii. Minor vandalism or malicious damage to property.
- viii. Failure, without reasonable cause, to produce accurate identification upon demand to authorised persons, who should identify themselves.
- ix. Disruption of, or interference with, the activities of the University, whether on University premises or elsewhere.
- x. Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University.
- xi. Behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of any other student or member of staff.
- xii. Indecent misconduct (minor).
- xiii. Failure to comply with a penalty previously imposed under these regulations for a minor offence.
- xiv. Contempt of the University's Discipline procedures by failing to co-operate with the University's discipline authorities.
- xv. Breach of University Regulations or Policy and Procedures, e.g. the Student Social Media Policy, Student Visa requirements.
- xvi. Breach of Covid-19 guidance and/or regulations.
- xvii. Misuse of learning materials, including online and recorded materials, provided to students by the University.

3.1.13 Committee of Discipline

- i. Minor offences committed by a student with a disciplinary record.
- ii. Taking property without the consent of the owner.
- iii. Major vandalism or malicious damage to property.
- iv. Misuse of the fire or other safety equipment.
- v. Failure to cooperate with the University's discipline authorities on more than one occasion.
- vi. Behaviour which brings, or may bring, the name of the University into disrepute.
- vii. Possession of an illegal substance or illegal possession of a controlled drug, or possession of any prescription drug which has not been prescribed directly to the student.
- viii. Production of, offer of, sale of or giving to any person, any illegal substance, controlled drug or prescription drug.
- ix. Abusive, threatening or intimidating, bullying or harassing behaviour.
- x. Making false, frivolous, malicious, mischievous or vexatious allegations against another member of the University.
- xi. Serious indecent misconduct.
- xii. Sexual misconduct, including attempted sexual misconduct.
- xiii. Failure to disclose the required information to the Director of Academic and Student Affairs as required by regulation 6.
- xiv. Fabrication or falsification of evidence or information provided to the University.
- xv. Physical misconduct or threats of physical misconduct.
- xvi. Public disorder.
- xvii. Breach of Covid-19 guidance and/or regulations.
- xviii. Misuse of learning materials, including online and recorded materials, provided to students by the University.

The above lists are not intended to be exhaustive.

3.1.14 If, after consideration of the case against a student, a disciplinary offence is found to have been committed by the student, then the student's disciplinary record shall normally be taken into account by the Disciplinary Officer or the Committee in deciding the appropriate penalty.

3.2 General Approach to Dealing with Misconduct

3.2.1 Any person involved in student conduct matters is required to respect the integrity of the process and the confidentiality of information arising from it. Any person who makes a statement alleging misconduct by a student must accept that their statement(s) may be provided to the responding student.

3.2.2 The following regulations do not preclude any member of staff from taking reasonable emergency action to prevent, stop, minimise, or otherwise control any conduct by a student which, in the opinion of a member of staff, constitutes misconduct and warrants emergency action. What constitutes an emergency, and the action to be taken will depend on the particular situation, but circumstances involving the safety of others, or affecting the proper functioning of the University, may require

immediate action. As soon as reasonably practicable after the emergency action has been taken, the member of staff shall take steps to invoke the University's regulations.

3.2.3 The regulations are intended to ensure a speedy and efficient resolution of issues. Reasonable time will be allowed for the preparation of representations and the investigation of the circumstances of the allegations. The aim is to prevent unnecessary delay whilst ensuring a full and fair assessment of any individual case.

3.2.4 A reporting student or a reporting person may make a formal statement of complaint to the University. However, the University will also accept formal statements of complaint in writing (e.g. emails) or verbal complaints, where the reporting person is unable to make the formal statement of complaint in writing.

3.2.5 A formal statement of complaint is an indication from the reporting student or reporting person that they wish the University to take action in relation to the matter.

3.2.6 Allegations of misconduct shall normally be made to the appropriate Disciplinary Officer. If considered appropriate, the Disciplinary Officer, with the consent of the reporting student or reporting person and the responding student, may resolve the matter without further action. If an allegation is brought directly to the Vice-Chancellor, the Vice-Chancellor will delegate it to the appropriate Disciplinary Officer.

3.2.7 At the conclusion of the disciplinary procedure, the reporting student or reporting person will normally be advised whether the Conduct Regulations were invoked and, if so, whether a sanction was imposed on the responding student. However, the details of the outcome of the disciplinary proceedings against the responding student will not be disclosed. All persons involved in the process should also be reminded of their duty of confidentiality both during the process and after its conclusion.

3.2.8 Where a reporting student or reporting person is dissatisfied with a decision by a Disciplinary Officer or other officer of the University not to invoke the Conduct Regulations, they may refer the matter to the Vice-Chancellor (or nominee), who may instruct the Disciplinary Officer to take action under the Regulations, take action themselves, or otherwise deal with the matter. The decision of the Vice-Chancellor (or nominee) shall be final.

3.2.9 The disciplinary procedure for dealing with misconduct outlined in these Regulations is set out in a flowchart in Annex 2.

3.3 Dealing with Students on a Field Trip

If an alleged incident of misconduct occurs whilst on a field trip, the member of staff who is in charge of the trip shall be deemed to be the Disciplinary Officer. In serious cases of misconduct, immediate action can be taken against the student by the Disciplinary Officer, if required, in consultation with another Disciplinary Officer in the University (see 3.2.2). On return to the University, the regulations may be invoked (see 11) and, if considered appropriate and in consultation with Academic Affairs, the matter can be referred directly to the Committee of Discipline. If the misconduct is deemed to be less serious, the Disciplinary Officer may impose sanctions on the student, or group of students involved whilst on the field trip (e.g. withdrawal of privileges including suspension for part, or remainder of the field trip). During all stages of this process, a note shall be kept of any meetings/interviews held.

4. Breaches of Discipline (Students' Union Sabbatical Officers)

The following is an extract from the Students' Union Constitution Chapter 5, Other Procedures and retains its original numbering.

Breaches of Discipline

1.1 *The procedures and protections of the Student Conduct Regulations of the University shall apply in respect of Sabbatical Officers as they apply to any student.*

1.2 *In relation to any Sabbatical Officer who acts in a manner which, in the opinion of at least a two-thirds majority of the Management Board, is in contravention of the Student Conduct Regulations or the Student Officer Protocol, then the Management Board may at its discretion request that the Vice-Chancellor of the University consider whether disciplinary action is appropriate in the circumstances.*

1.3 *The Senate shall be notified, at the earliest reasonable opportunity, of all instances whereby allegations of misconduct against a Sabbatical Officer are proven. All such disciplinary action shall be implemented in line with the University's Student Conduct Regulations.*

1.4 *The University's Student Conduct Regulations shall apply to Non-Sabbatical Officers, in relation to any breach of discipline including a breach of the Student Officer Protocol.*

1.5 *Minor offences as defined in the University's Student Conduct Regulations by Non-Sabbatical Officers shall be dealt with by the Union according to the instrument of delegation of disciplinary powers as contained within the Student Conduct Regulations.*

5. Criminal Offences

5.1 The University will not conduct investigations into allegations of criminal offences. The University acknowledges that the Police and Public Prosecution Service are properly tasked to investigate and prosecute criminal offences. The University will co-operate fully with any police investigation and any subsequent legal proceedings. The University will liaise with police but will at no time undertake any investigations or actions which could compromise a police investigation or criminal proceedings. Where a police investigation or criminal proceedings are on-going, the University will normally postpone any disciplinary proceedings under the Conduct Regulations pending the outcome of any such police investigation or criminal proceedings. However, the University may carry out a risk assessment and may, where deemed necessary, impose a period of precautionary suspension and / or exclusion or take such other action as required to protect the safety of any person or the reputation of the University (see 7) or take action under these regulations, if considered appropriate.

5.2 The University shall seek and maintain liaison with the police. Advice may be sought on whether a matter is considered by the police to be serious or not.

5.3 The University will not normally report to police any allegation of a crime against the wishes of the reporting student or reporting person. However, the University reserves the right to report an allegation of a serious crime where it considers that there may be a serious risk of harm to any person or to prevent a further crime taking place. Such decisions will be taken on a case-by-case basis after careful consideration

of the wishes of the reporting student or reporting person and the circumstances of the case. Advice may also be sought on whether there are compelling reasons for reporting a matter formally to police where the reporting student or reporting person is opposed to such action. In certain circumstances it is a legal requirement to report incidents to the police.

5.4 Where a finding of misconduct is made, any penalty imposed by a criminal or civil court shall be taken into consideration in determining the penalty under these regulations.

6. Disclosure of Criminal Convictions / Allegations of Criminal Activity

6.1 The University takes the health, safety and wellbeing of all its staff and students seriously and in order to assess any potential risk, it deems disclosure of certain criminal information necessary.

6.2 Upon enrolment and registration, students must disclose any unspent conviction* for a relevant offence (see 6.5) to the Director of Academic and Student Affairs. Failure to do so within two working days may be deemed to constitute a disciplinary offence (see Annex 1, Table 2).

*As set out in The Rehabilitation of Offenders NI Order 1978.

6.3 Where, after admission to the University but before ceasing to be a student, if a student:

- i. is notified that they are under police investigation for a relevant offence
- ii. is subject to bail conditions which have any impact on their ability to attend campus or carry out study (whether pre-charge / police bail or court bail)
- iii. is charged with a relevant offence
- iv. is summonsed in relation to a relevant offence

the student must inform the Director of Academic and Student Affairs immediately.

6.4 The student must disclose to the Director of Academic and Student Affairs:

- i. the nature of the offence for which they are under investigation
- ii. any bail conditions imposed by police or court
- iii. the charge (if any) against the student
- iv. the name and contact details of the Investigating Officer, if known

6.5 For the purpose of 6.2-6.4, a relevant offence is a criminal offence involving any act of violence, offences concerning the intention to harm or resulting in actual harm, the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking, offences involving firearms, arson or those listed in the Sex Offences Act 2003 or The Terrorism Act 2006.

6.6 Students must also immediately inform the Director Academic and Student Affairs if they are or become subject to a Non-Molestation Order, an Order under the Protection from Harassment (Northern Ireland) Order 1997 in which the complainant is a member of the University, or an Anti-Social Behaviour Order, or a Sexual Offences Prevention Order (see 6.2-6.4 above).

6.7 Students whose programmes are covered by the Fitness to Practise Procedure must disclose to the University as soon as possible if they become subject to a police investigation and/or pre-charge or court bail conditions or acquire a criminal record, after admission and before graduation, relating to any criminal offence.

6.8 Failure to disclose the required information to the Director of Academic and Student Affairs as stated in 6.2-6.4 above, normally within two working days of the student becoming aware of the investigation, imposition of bail conditions, charge or summons, or imposition of a court order (see 6.6 above), may constitute a disciplinary offence (see Annex 1, Table 2). The student will not be requested or required to disclose any details of the alleged offence other than the information set out at 6.4 above.

6.9 Students must keep the Director of Academic and Student Affairs updated on the progress of any police investigation or criminal proceedings.

6.10 For the avoidance of doubt, a student not is required to submit a subject access request under the data protection legislation in order to comply with 6.2-6.6.

6.11 Regulations 6.2-6.6 apply to students during a period of temporary withdrawal (see Regulations for Students 1.20) and to any student under suspension (including an emergency or precautionary suspension for a related or unrelated matter).

6.12 Following disclosure by a student pursuant to regulation 6.2-6.6, the Director of Academic and Student Affairs may consult with senior colleagues and/or other appropriate persons and will, where appropriate, impose an emergency precautionary suspension or exclusion pursuant to 7.2.

7. Precautionary Suspension or Exclusion

7.1 Precautionary Suspension or Exclusion by Pro-Vice-Chancellor

7.1.1 Subject to 7.1.2, a student against whom an allegation of misconduct has been raised, or against whom a criminal charge is pending, or who is the subject of police investigation, or is the subject of civil proceedings as set out in 6.6, may be subject to a precautionary suspension or exclusion from the University (or part thereof) by the Pro-Vice-Chancellor pending a disciplinary hearing or outcome of a police investigation or criminal or civil proceedings. The terms of the precautionary suspension or exclusion, will be notified in writing to the student.

7.1.2 The purpose of a precautionary suspension or exclusion is to prevent reoccurrence of any (alleged) misconduct and/ or to protect the members of the University community in general, or a particular member or members, or to prevent any continuance of damage to the University's reputation. This authority shall be used only where the Pro-Vice-Chancellor is of the opinion that it is necessary to take such action. Written reasons for the decision shall be recorded and made available to the student. The imposition of a precautionary suspension or exclusion from the University (or part thereof) should not be interpreted as an indication that the University has taken any view relating to the guilt or innocence of any student.

- i. Suspension is the total prohibition on attendance at or access to University facilities and on any participation in University activities; but it may be subject to qualification, such as permission to attend for the purpose of an

examination. Students under suspension will not be eligible to enrol or graduate.

- ii. Exclusion is the selective restriction on attendance at or access to the University (or part thereof) or access to University facilities or prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union, the exact details to be specified in writing.

During any period of precautionary suspension or exclusion, a student shall be offered appropriate pastoral support by the University's student support services, and the student shall have access to these services.

7.1.3 A condition of a precautionary suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

7.1.4 No student shall be subject to precautionary suspension or exclusion unless they have been given an opportunity to make representations to the Pro-Vice-Chancellor. Where for any reason it appears to the Pro-Vice-Chancellor that it is not possible for the student to attend, for example the student is in custody or is abroad, the student shall be entitled to make written representations within five working days of the suspension or exclusion taking effect. The student shall be provided with copies of all documentation considered by the Pro-Vice-Chancellor in reaching a decision, except where to do so would breach the confidentiality or GDPR requirements with regard to another person, in which case the student will be provided with sufficient information to enable them to understand the case against them. The student will not be required or requested to disclose any details of the alleged offence. However, a student will be expected to provide such information as is necessary to enable a decision to be taken relating to a precautionary suspension, an emergency precautionary suspension or exclusion (see 6).

7.1.5 Where a precautionary suspension or exclusion is imposed, the student shall have the right to appeal the decision of the Pro-Vice-Chancellor to an Appeal Panel. Students may appeal by emailing Academic Affairs (academic-affairs@qub.ac.uk) within five working days of notification of the decision of the Pro-Vice-Chancellor. Students need only confirm that they wish to appeal, and may provide any additional information that they wish to be considered by the Appeal Panel. The Appeal Panel will comprise a Pro-Vice-Chancellor (different from the Pro-Vice-Chancellor who made the decision to impose a precautionary suspension or exclusion), and a senior colleague. Students shall be permitted to attend the meeting of the Appeal Panel and make representations on their own behalf, and will have the right to be accompanied (see 2.10 above).

7.1.6 The Appeal Panel will consider the documentation provided to the Pro-Vice-Chancellor and will reach one of the following decisions:

- i. Dismiss the appeal and confirm the Pro-Vice-Chancellor's decision.
- ii. Uphold the appeal in full and lift the precautionary suspension.
- iii. Uphold the appeal in part and amend the condition(s) of the precautionary suspension as deemed appropriate.

The decision of the Appeal Panel shall be final; there is no further internal right of appeal. However, any student who feels aggrieved may make a complaint to the Northern Ireland Public Services Ombudsman (see 18).

7.1.7 A decision to impose a precautionary suspension or exclusion on a student shall be subject to review normally every four weeks, taking account of any developments, or any written representations made by the student. Such a review will not involve a hearing. This timescale may be altered by the University if necessary or with the agreement of the student.

7.1.8 Any period of precautionary suspension or exclusion may be effective until the outcome of a police investigation, criminal, civil or disciplinary proceedings is known. At that stage the Pro-Vice-Chancellor shall review what, if any, further action shall be taken under these regulations.

7.2 Emergency Precautionary Suspension or Exclusion from University Premises by the Director of Academic and Student Affairs (or nominee)

7.2.1 From time to time it may be necessary to impose an emergency precautionary suspension or exclusion on a student (see 7.1.2) with immediate effect, pending further action under the Conduct Regulations.

7.2.2 The Director of Academic and Student Affairs (or nominee) may consult with senior colleagues and any other person deemed necessary, and will, where appropriate, impose an emergency precautionary suspension or exclusion on a student for a maximum of five working days. The decision of the Director of Academic and Student Affairs (or nominee) will be reviewed by a Pro-Vice-Chancellor, who may at that stage impose a precautionary suspension or exclusion. The procedure will then follow 7.1 above.

7.3 Emergency Precautionary Suspension Following an Alleged Breach of the COVID-19 regulations and/or Guidance

7.3.1 Upon notification to the University that a registered student has been served with a Penalty Notice (COV 1) or Prohibition Notice (COV 2) notice, or that there is evidence of a significant breach of the government regulation and/or Public Health Agency guidance, the Director of Academic and Student Affairs (or nominee) may impose an emergency precautionary suspension on the student for a maximum period of fourteen days with immediate effect. The terms of the emergency precautionary suspension may include:

- i. Total prohibition on attendance at, or access to, University facilities and on participation in University activities, including total prohibition on engagement with any online teaching and library or other University services (but not including Wellbeing/Disability Services);
- ii. Exclusion from the entirety of the University campus, including access to University facilities (e.g. PEC and Students' Union), with the exception of students living in University accommodation who may be required to self-isolate as instructed by Accommodation Services.

7.3.2 The decision will be taken summarily by the Director, based on the available evidence. There will be no requirement for a review or a risk assessment before a decision is made. The student will have no right to appeal this emergency precautionary suspension, but will retain the right to appeal subsequent outcomes from a Disciplinary Officer or the Committee of Discipline.

7.3.3 Where a student is studying on an accredited programme to which the Fitness to Practise Procedure applies, the Director may also refer the matter to the student's Head of School (or equivalent) for consideration under the Fitness to Practise Procedure.

8. Risk Assessment

8.1 Risk Assessment (Relating to Precautionary Suspension or Exclusion, or Emergency Precautionary Suspension or Exclusion)

8.1.1 When considering the imposition of a precautionary suspension or exclusion, or an emergency precautionary suspension or exclusion, a risk assessment will be carried out by the Pro-Vice-Chancellor or the Director of Academic and Student Affairs (or nominee) (as appropriate).

8.1.2 The risk assessment will consider the potential risks to the responding student, other registered students, staff and visitors to the University; it may also, where appropriate, consider any damage or potential damage to the University's reputation.

8.1.3 In carrying out a risk assessment, the University may contact the police with a view to obtaining information to enable it to assess the risk of harm or injury to any person or to the University's reputation or facilities.

8.1.4 Responding students will not be required or requested to disclose the details of any such alleged misconduct where such disclosure could prejudice a police investigation or criminal proceedings (see 6). In these circumstances, the responding student will be advised of their right to seek legal advice before discussing the matter with any member of University staff. However, legal representation will not be permitted at any meeting deemed necessary.

8.2 Procedure and Risk Assessment for Students Who Have Disclosed a Criminal Conviction or Are Subject to Court Orders (Including Suspended Sentences)

8.2.1 Following the disclosure to the Director of Academic and Student Affairs, as required under 6.2 or 6.6, the Director of Academic and Student Affairs (or nominee) shall appoint an Investigating Officer to carry out an investigation into any risk involved to the individual student, other registered students, staff, visitors or to the University's reputation or facilities.

8.2.2 A student may be invited to attend a meeting with the Investigating Officer. A note-taker will attend the meeting and the student may be accompanied (see 2.10).

8.2.3 The Investigating Officer will prepare a report for consideration by the Director of Academic and Student Affairs (or nominee) or the Pro-Vice-Chancellor for consideration of an emergency precautionary suspension/exclusion or precautionary suspension/exclusion (see 7 above), and/or a Risk Assessment Panel.

8.2.4 A Risk Assessment Panel will comprise:

- i. The Faculty Pro-Vice-Chancellor from the student's Faculty (or nominee) (who will normally act as Chair)
- ii. The Head of Legal Services (or nominee)
- iii. The Head of Student and Academic Affairs (or nominee)

8.2.5 The Investigating Officer's report will be shared with the responding student and any person as directed by the Chair of the Risk Assessment Panel.

8.2.6 The Risk Assessment Panel shall consider the Investigating Officer's report and any other relevant information provided by the responding student or any other person and may meet

with any person they deem appropriate in order to gather information, including, for the avoidance of doubt, the police.

8.2.7 The Risk Assessment Panel will make a decision about the responding student's continued study at the University.

8.2.8 If the Risk Assessment Panel considers that the conditions imposed on a responding student by any Court Order (e.g. Anti-Social Behaviour Order, Non-Molestation Order, Order under the Protection from Harassment (Northern Ireland) Order 1997, or Sexual Offences Prevention Order (see 6.6) are incompatible with the responding student's continued study at the University, it may impose any restriction on the responding student including but not limited to:

- i. suspension (see 7.1.2) (which may be for the period of the Court Order);
- ii. exclusion from any part of the University (see 7.1.2); or
- iii. expulsion from the University.

In cases where a precautionary suspension or exclusion is imposed for the duration of the Court Order, the decision will not be reviewed every four weeks in accordance with 7.1.7 above, and will only be reviewed upon notification to the University of any developments or changes to the Court Order.

8.2.9 The decision and any restriction imposed on the responding student must be proportionate. Any restriction imposed on a student must be strictly necessary for the protection of the responding student, other registered students, staff or visitors to the University. The Risk Assessment Panel may also consider damage to the University's reputation.

8.2.10 The decision of the Risk Assessment Panel may be appealed to a Student Disciplinary Appeals Committee (see 15).

9. Agreements about Facts and Future Behaviour

9.1 Purpose

9.1.1 The University recognises that it has a duty of care to all persons involved in the disciplinary process.

9.1.2 In some cases involving two registered students, it may be possible to reach agreement about some of the issues in the case in order to focus on the issues that need to be addressed pending the outcome of any criminal, civil or disciplinary proceedings.

9.1.3 Where it appears that an incident may have occurred between two students but the facts are unclear and/or disputed by the parties, the University will seek, where possible, to facilitate both students in their continued attendance at University and use of University facilities, including University accommodation. However, this may entail one or both students making changes to their routine or moving accommodation. Students should be prepared to make compromises and concessions in order to reach an agreement. In requesting or requiring a student to do so, the University makes no judgment on what may or may not have occurred or on the guilt or innocence of either party. The University will seek to protect both students and to provide an environment in which they both feel safe and can continue on their programme of study pending the outcome of any criminal, civil or disciplinary proceedings.

9.2 Future Conduct Agreement

A Future Conduct Agreement will set out any agreement by the two students involved regarding their future behaviour towards each other and any other person involved in the process, including witnesses. The Agreement may include the students' consensus about:

- i. no contact with each other, verbal or written, direct or indirect
- ii. reporting "near misses" (ie unintended and unforeseen contact)
- iii. for one or both to move accommodation
- iv. for one or both to make changes to their programme of study or study routine.

10. Serious Misconduct Protocol

Where the allegations against the responding student are deemed to constitute serious misconduct, the case will be dealt with in accordance with the Serious Misconduct Protocol. Serious misconduct relates to allegations of misconduct where the issues are deemed to be serious, complex or sensitive or pose a high reputational risk to the University, and include allegations of:

- i. Sexual misconduct
- ii. Bullying/harassment (including domestic abuse and online abuse)
- iii. Discrimination
- iv. Hate crime.

If the Serious Misconduct Protocol is to be followed, the responding student shall be advised by the Director of Academic and Student Affairs.

The Investigating Officer will prepare a report for consideration by a Disciplinary Officer. Such cases will normally be referred to a Committee of Discipline for consideration and a decision (see 12.5).

11. Investigation

11.1 The Investigating Officer for off-campus offences shall normally be the Community Engagement Manager (or nominee). In all other cases the Disciplinary Officer (see 2.1.6) shall appoint an Investigating Officer. The Investigating Officer shall, normally within five working days of the University's receipt of the formal statement of complaint, initiate an investigation into the matter. This shall include the examination of written evidence from the reporting student or reporting person(s), evidence from the responding student, and other relevant evidence (e.g. statements from witnesses, CCTV footage, emails, social media posts etc).

11.2 The responding student shall be interviewed by the Investigating Officer who shall be responsible for ensuring a record of the meeting is taken. The Investigating Officer shall notify the responding student in writing by email to the student's University email address or in hard copy of:

- i. The details of the allegations against them giving sufficient detail to enable the responding student to properly understand the case being made, and their right to be accompanied (2.10 above).

- ii. Any suspension from their course, or limitations or conditions placed upon the continuance of their studies, accommodation, or access to University services or facilities, placement, or supervised practice during the period of the investigation.

11.3 The Investigating Officer shall make a written report of the findings to the Disciplinary Officer detailing all the evidence obtained and making a preliminary recommendation.

12. Disciplinary Officer's Decision

12.1 If the Disciplinary Officer considers the circumstances warrant it (e.g. if the case is not complex and the facts of a case are not contested), they may deal with the case summarily. The Disciplinary Officer may make a decision and impose a penalty within the limits specified in 16.1, without interviewing the responding student.

12.2 If the Disciplinary Officer deems it appropriate, they may interview the responding student (see 13).

12.3 If the Disciplinary Officer decides that there is no case to answer, then the Disciplinary Officer shall dismiss the case.

12.4 If the Disciplinary Officer, in consultation with Academic Affairs, considers the circumstances warrant it, they shall refer the case immediately to the Committee of Discipline (see 13 below).

12.5 The Disciplinary Officer shall notify the responding student of their decision in accordance with 2.4 above.

13. Disciplinary Officer Hearing

13.1 Procedure

13.1.1 A member of staff from the relevant Directorate or School (see 2.1.8) shall normally act as Secretary to the Disciplinary Officer hearing, and shall be responsible for the administration of the hearing. The member of staff shall keep records of the meeting, and shall be responsible for notifying the responding student of the time and date of the hearing, and for the circulation of documentation. Minutes shall be taken as a formal record of the meeting and retained.

13.1.2 The responding student shall be required to attend the meeting with the Disciplinary Officer and shall be given at least five working days' written notice of the date, time and venue of the meeting.

13.1.3 The responding student shall be informed of the identity of the Disciplinary Officer and will receive copies of all documentation to be considered by the Disciplinary Officer, including the Investigating Officer's report, and also a copy of these Regulations.

13.1.4 The communication requiring the student to attend the hearing shall:

- i. State the issue(s) to be considered at the hearing, giving sufficient detail to enable the responding student properly to understand the case being made.
- ii. State the findings of the investigation.
- iii. Inform the responding student of their right to be accompanied (see 2.10) and state that the responding student is required to confirm the name of the person(s) accompanying them to the hearing two days in advance of the hearing.

- iv. Inform the responding student of the procedure which will be used at the hearing.
- v. Inform the responding student that failure to attend the hearing may lead to the consideration of the case and the imposition of a penalty in the absence of the responding student, without further notice.

13.1.5 The responding student shall be allowed five working days in which to prepare their case. All information on which the responding student intends to rely should normally be made available to the Disciplinary Officer at least two working days before the date set for the interview, including names of witnesses the responding student intends to call. It is the responsibility of the responding student to arrange for their witnesses to attend the interview.

13.1.6 If all the parties involved in the case are in agreement, an accelerated timeframe may be applied.

13.1.7 The decision of the Disciplinary Officer shall be communicated to the responding student in writing in accordance with 2.5 above. The Head of the relevant School or Director of the relevant Institute shall be informed. The responding student's right to appeal a decision to the Committee of Discipline shall also be stated in the communication. There shall be no appeal against a referral to a Committee of Discipline, where a finding of guilt has not been made.

13.1.8 There shall be no appeal against a referral to a Committee of Discipline, where a finding of guilt has not been made.

13.2 Appeals Against Decisions of the Disciplinary Officer

Subject to 13.1.8, a responding student may appeal against a decision of the Disciplinary Officer by submitting the appropriate appeal form stating the grounds of appeal to appeals@qub.ac.uk or in hard copy to Academic Affairs, Level 6, Administration Building, Queen's University, Belfast BT7 1NN. The grounds for appeal are set out in 13.3. The appeal form must be submitted to Academic Affairs by 4.00pm on the date stipulated in the letter giving the decision of the Disciplinary Officer. The stipulated date shall be ten working days after the date of notification to the student of the decision of the Disciplinary Officer.

13.3 Grounds for Appeal

The following are the grounds of appeal which will be considered:

- i. New evidence has become available which could not have been provided to the Disciplinary Officer.
- ii. There has been a procedural irregularity in the conduct of the investigation or Disciplinary Officer hearing.
- iii. The decision of the Disciplinary Officer was too severe or inappropriate.

14. The Committee of Discipline

14.1 Procedure

14.1.1 When convened, the Committee of Discipline will normally consist of:

- i. A Dean, Professional Support Director or senior member of academic / academic support staff (who will normally act as Chair)
- ii. A Head of School or Director of Education
- iii. A Disciplinary Officer
- iv. A Students' Union Sabbatical Officer.
- v. Where the responding student is studying at the Institute of Professional Legal Studies, membership of the Committee of Discipline will include one member of the Inn of Court of Northern Ireland and one member of the Law Society of Northern Ireland nominated by the Council of Legal Education.

14.1.2 No member of the Committee should have been involved in the case previously. Members will be independent and will not be from the same School as the responding student. At all meetings of the Committee of Discipline, three members shall constitute a quorum. A Disciplinary Officer may attend in the place of a Head of School or Director of Education (see 14.1.1 ii above).

14.1.3 After consultation with Academic Affairs, a member of the Academic and Student Affairs Directorate shall normally act as Secretary to the Committee of Discipline. They shall be responsible for the administration of the Committee's proceedings, with due regard to confidentiality, and subject to directions from time to time, given to them by the Committee. The Secretary shall keep records of the proceedings, with due regard to confidentiality. The Secretary shall be responsible for the circulation of written submissions and other relevant documents. Minutes shall be taken as a formal record of the Committee of Discipline hearing and retained.

14.1.4 If the Chair of the Committee considers the circumstances warrant it (e.g. if the facts of the case are not contested), they may deal with the case summarily.

14.1.5 The responding student shall be required to attend the meeting of the Committee of Discipline and shall be given at least five working days' written notice of the date, time and venue of the meeting.

14.1.6 The responding student shall be informed of the membership of the Committee of Discipline and will receive copies of all documentation to be considered by the Committee of Discipline and also a copy of these Regulations.

14.1.7 The communication requiring the responding student to attend the hearing shall follow the same format as that detailed in 13.1.4.

14.1.8 The responding student shall be allowed five working days in which to prepare their case. All information on which the responding student intends to rely should normally be made available for the members of the Committee two working days before the date set for the hearing, including names of witnesses the responding student intends to call. It is the responsibility of the responding student to arrange for their witnesses to attend.

14.1.9 The Disciplinary Officer / Investigating Officer (or nominee) shall be invited to attend the meeting to explain the reasons for the decision. The responding student and the Disciplinary Officer / Investigating Officer (or nominee) shall each be present while the other is speaking.

14.1.10 It is the responsibility of the Disciplinary Officer / Investigating Officer (or nominee) to arrange for the attendance of any witnesses they intend to call. This information should normally be made available for the members

of the Committee at least two working days before the date set for the hearing.

14.1.11 If all the parties involved in the case are in agreement, an accelerated time frame may be applied.

14.1.12 The responding student may be invited to submit further information in support of their case. Such written information should normally be submitted to the Secretary of the Committee at least two working days in advance of the hearing. The Committee of Discipline shall have access to the record of the first Disciplinary hearing. If new information, which was not available to the responding student at the time of the original decision, is presented by the responding student, the Committee will consider it. Other than such new evidence, the Committee of Discipline will consider only the grounds for the appeal submitted by the responding student. The appeal hearing will not constitute a re-hearing of the case.

14.1.13 Where the Committee of Discipline has been convened to hear an appeal against the decision of a Disciplinary Officer, the options available to the Committee of Discipline are as follows:

- i. To uphold the appeal in full or in part, and rescind the penalty imposed by the Disciplinary Officer in full or in part or, where deemed appropriate, impose a different penalty;
- ii. To dismiss the appeal and confirm the penalty imposed by the Disciplinary Officer.

14.1.14 The decision of the Committee of Discipline shall normally be communicated to the responding student in writing within eight working days of the decision being made. The Head of the relevant School shall be informed. The responding student's right to appeal a decision of the Committee of Discipline (subject to 14.1.15) shall also be stated in the communication.

14.1.15 Where the Committee of Discipline has been convened to hear an appeal against the decision of a Disciplinary Officer no further appeal will be permitted and the responding student must be referred to their right to make a complaint to the Northern Ireland Public Services Ombudsman (see 18). There shall be no appeal against a referral for the University Fitness to Practise Procedure to be invoked (see 16.1 viii).

14.2 Appeal Against the Decision of a Committee of Discipline or Risk Assessment Panel

14.2.1 Subject to 14.1.15, a responding student may appeal a decision of a Committee of Discipline or Risk Assessment Panel to a Student Discipline Appeals Committee. The appeal must be submitted on the appropriate form to the Director of Academic and Student Affairs setting out the grounds for appeal by 4.00pm on the date stipulated in the letter giving the decision of the original hearing. The stipulated date shall be ten working days after notification to the student of the decision of the Committee of Discipline or Risk Assessment Panel.

14.2.2 The following are the grounds of appeal which will be considered:

- i. New evidence has become available which could not have been provided to the Committee of Discipline/Risk Assessment Panel.
- ii. There has been a procedural irregularity in the conduct of the investigation or the Committee of Discipline/Risk Assessment Panel proceedings.

- iii. The decision of the Committee of Discipline/Risk Assessment Panel was too severe or inappropriate.

15. Student Discipline Appeals Committee

15.2 Procedure

15.1.1 When convened, the Student Discipline Appeals Committee will normally consist of:

- i. A Pro-Vice-Chancellor, Dean or Professional Support Director, or nominee (who will normally act as Chair)
- ii. The Registrar and Chief Operating Officer or nominee
- iii. Two Heads of School or Directors of Education
- iv. The President of the Students' Union or nominee.

15.1.2 Where the responding student is studying at the Institute of Professional Legal Studies, membership of the Student Discipline Appeals Committee will include one member of the Inn of Court of Northern Ireland and one member of the Law Society of Northern Ireland nominated by the Council of Legal Education.

15.1.3 No member of the Committee should have been involved in the case previously. Members will be independent and will not be from the same School as the responding student. At all meetings of the Student Discipline Appeals Committee, three members shall constitute a quorum.

15.1.4 A member of the Academic and Student Affairs Directorate shall normally act as Secretary to the Student Discipline Appeals Committee and shall be responsible for the administration of the Committee's proceedings, with due regard to confidentiality, and subject to directions from time to time, given to them by the Committee. The Secretary shall keep records of the proceedings, with due regard to confidentiality. The Secretary shall be responsible for the circulation of written submissions and other relevant documents. Minutes shall be taken as a formal record of the Student Discipline Appeals Committee and retained.

15.1.5 The responding student will be required to attend the meeting of the Student Discipline Appeals Committee and shall be given at least five working days' written notice of the date, time and venue of the meeting.

15.1.6 The responding student shall be informed of the membership of the Student Discipline Appeals Committee and will receive copies of all documentation to be considered by the Student Discipline Appeals Committee and also a copy of these regulations.

15.1.7 The communication requiring the responding student to attend the hearing shall follow the same format as that detailed in 13.1.4.

15.1.8 The responding student may be invited to submit further written information in support of the appeal to the Student Discipline Appeals Committee. Such written information should normally be submitted to the Secretary of the Committee, at least two working days in advance of the hearing.

15.1.9 The Chair of the Committee of Discipline or Risk Assessment Panel (or nominee) shall be invited to attend the meeting to explain the reasons for the decision. The responding student and the Chair of the Committee of Discipline or Risk Assessment Panel (or nominee) shall each be present while the other is speaking.

15.1.10 The Student Discipline Appeals Committee shall have access to the papers considered by Committee of Discipline or Risk Assessment Panel, the minutes of the Committee of Discipline or Risk Assessment Panel meeting, the decision letter and any other information deemed appropriate by the Chair of the Student Discipline Appeals Committee. If new information, which was not available to the responding student at the time of the Committee of Discipline or Risk Assessment Panel decision, is presented by the responding student, the Student Discipline Appeals Committee will consider it. Other than such new evidence, the Student Discipline Appeals Committee will consider only the grounds for the appeal submitted by the responding student. The appeal hearing will not constitute a re-hearing of the case.

15.1.11 The Student Discipline Appeals Committee shall have the authority to:

- i. uphold the appeal in full or in part, and rescind the penalty imposed by the Committee of Discipline/Risk Assessment Panel in full or in part or, where deemed appropriate, impose a different penalty. The Student Discipline Appeals Committee may impose a different penalty, less severe than that imposed by the Committee of Discipline/Risk Assessment Panel, where the appeal is upheld on the ground set out at 14.2.2 (iii);
- ii. dismiss the appeal and confirm the penalty imposed by the Committee of Discipline/Risk Assessment Panel.

The decision of the Student Discipline Appeals Committee shall normally be communicated to the responding student in writing within eight working days of the decision being made.

15.2 Decision of the Student Discipline Appeals Committee

The decision of the Student Discipline Appeals Committee shall be final; there is no further internal right of appeal. However, any responding student who feels aggrieved by the decision may make a complaint to the Northern Ireland Public Service Ombudsman (see 18).

16. Outcomes

If the responding student has a previous disciplinary record, this may be taken into account when considering the penalty or penalties to be applied. The standard penalties to be applied for specific offences are set out in Annex 1.

16.1 Outcomes Available to a Disciplinary Officer

Having considered the allegation(s) of misconduct, the Disciplinary Officer may dispose of the case using one or any combination of the following;

- i. Dismiss the case.
- ii. Find that a disciplinary offence has been committed but that advice and warning should be given to the responding student. A record of the advice and warning will be retained on their student record.
- iii. Conditional discharge – that no further action be taken provided the responding student fulfils the conditions laid down by the Disciplinary Officer.
- iv. A written warning which will stay on the Student Transcript until graduation.

- v. A fine, up to a maximum of £250 per offence.
- vi. Payment for any loss or damage that resulted directly or indirectly from the responding student's misconduct.
- vii. Referral of the case to the Committee of Discipline, in consultation with Academic Affairs.
- viii. Referral of the case to Academic Affairs for the University Fitness to Practise procedure to be invoked.
- ix. Exclusion involving a selective restriction on, or access to the University, or prohibition on exercising the functions and/or duties of any office or committee membership in the University or Students' Union, the exact details to be specified in writing. (This does not include exclusion from the student's course).
- x. Exclusion for a specified period from University accommodation.

16.2 Outcomes Available to a Committee of Discipline

The Committee of Discipline shall deal with the case by using one or any combination of the outcomes in 16.1 with the addition of the following:

- i. A fine, not exceeding £500 per offence.
- ii. Suspension involving the total prohibition on attendance at or access to University facilities and on any participation in University activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination. Students under suspension will not be eligible to enrol or graduate.
- iii. Permanent exclusion from University Accommodation.
- iv. Expulsion from the University.

16.3 Right to Attend Class Pending Appeal

With the exception of suspensions or exclusions imposed under 7 or 8 above, responding students who submit an appeal against a decision to suspend, exclude or expel them from the University, may normally pending the outcome of the appeal, attend such classes or practical sessions as are deemed necessary for their continuing progression, provided they have attained the academic prerequisites for attendance. Such attendance shall be without prejudice to the outcome of the appeal and attendance shall not constitute enrolment/registration. Students must notify the Head of School that they will be attending classes or other sessions pending the outcome of an appeal. Where circumstances merit it, the Head of School may refuse permission for the responding student to attend classes pending the appeal. Students who have submitted an appeal against a decision to suspend, exclude or expel them from the University, may not participate in external or clinical placements pending the outcome of an appeal.

17. Students' Union

Note: Any complaint about the conduct of a Sabbatical Officer within the Students' Union or its immediate environs shall be dealt with in accordance with regulation 4 of the conduct regulations.

17.1 Students' Union: Delegation of Authority

The Committee of Discipline of the Academic Council, acting under the authority of the Senate, has delegated disciplinary powers to deal with certain breaches of regulations to the Council of the Students' Union (in relation to the disciplinary control of students within the Students' Union or within the immediate environs of the Students' Union). It is important that disciplinary matters should be dealt with at the appropriate operational level within the University and the Students' Union. Many disciplinary cases are likely to result in minor sanctions and many violations of the Conduct Regulations will not be disputed by the perpetrator. It is equally important to attempt to resolve issues in a more informal setting rather than move too quickly into a formal Committee of Discipline. The Students' Union Disciplinary Officer will, therefore, handle minor breaches of the student conduct regulations pertaining to the Students' Union, whilst more serious cases shall be referred to the University's Committee of Discipline.

17.2 Students' Union: Disciplinary Officer Action and Investigation

17.2.1 When a complaint has been referred to a Disciplinary Officer (see 2.1.6), the Disciplinary Officer shall initiate an investigation into the matter, normally within five working days. For information, the President of the Students' Union will be informed that an investigation is being undertaken.

17.2.2 Within the Disciplinary Officer Procedures the normal expectation will be that the investigation and discipline functions of a case will be kept separate. However, it is acknowledged that this may not always be practicable for minor infringements within the Students' Union, given the relatively low level of staffing and the relatively high incidence of minor infringements generated within the Students' Union. In such cases, all references to Investigating Officer in the following regulations should be read as applying to the Disciplinary Officer.

17.2.3 The Director of the Students' Union will delegate their authority to the Deputy Director or a local area manager to act as a Disciplinary Officer (see 2.1.6). A member of staff from the Students' Union shall normally act as Secretary to the Disciplinary Officer hearing and shall be responsible for the administration of the hearing. The member of staff shall keep records of the meeting, and shall be responsible for notifying the student of the time and date of the hearing, and for the circulation of documentation. Minutes shall be taken as a formal record of the meeting and retained. The Investigating Officer will carry out an investigation into the matter, including the examination of written evidence from the person or persons bringing the complaint against the student and evidence from the student concerned. The Investigating Officer shall be entitled to call for such papers, examine such witnesses and conduct such other relevant enquiries as appear to be necessary.

The Investigating Officer shall notify the student in writing of:

- i. The details of the allegations against them giving sufficient detail to enable the student to properly understand the case being made and their right to be accompanied by a registered student.
- ii. The identity of the Investigating Officer.
- iii. Any suspension or limitations or conditions placed upon their attendance at, or access to, accommodation occupied by the Students' Union.

17.2.4 The Investigating Officer shall make a written report of the results of the investigation to the Disciplinary Officer, detailing all evidence obtained during the investigation.

17.2.5 If the Disciplinary Officer considers the circumstances warrant it (e.g. if the facts of a case are not contested), they may deal with the case summarily without a formal investigation stage being initiated, or if it is appropriate, combine the investigation and discipline stages.

17.2.6 If the Disciplinary Officer decides that there is no case to answer, then the Disciplinary Officer shall dismiss the case and inform the student in writing. If the Disciplinary Officer decides that there is a *prima facie* case to answer, the student will be interviewed by the Disciplinary Officer and will be given at least five working days' written notice. If the Disciplinary Officer, in consultation with Academic Affairs, considers the circumstances warrant it, the Disciplinary Officer shall refer the complaint immediately to the Committee of Discipline (see 14).

17.2.7 The letter requiring the student to attend the hearing will:

- i. State the allegations to be considered at the hearing, giving sufficient detail to enable the student properly to understand the case being made.
- ii. Inform the student of their right to be accompanied by a registered student of the University (which shall include a Students' Union Sabbatical Officer), or a member of staff of the University or University Chaplaincy. The name of the person accompanying the student should normally be notified at least two working days in advance to the Disciplinary Officer.
- iii. Inform the student of the procedure which will be used at the hearing. That is to say that witnesses may be called in support of the complaint or by the student in support of their response and that relevant documentation may be considered at the hearing including any written statement by the student in response to the complaint. Where witnesses are called, they may be subject to examination, cross-examination and re-examination by the parties. Copies of any documents to be produced relating to the complaint should be enclosed with the letter. The student is required to provide to the Disciplinary Officer copies of any documents to which they intend to refer and the names of any witnesses they intend to call normally at least 2 working days before the time set for the hearing to enable consideration to be given to them. (It is the responsibility of the student to arrange for their witnesses to attend the hearing).
- iv. Inform the student that failure to attend the hearing without good cause (it is the responsibility of the student to establish 'good cause' to the satisfaction of the Disciplinary Officer) may lead to the Disciplinary Officer considering the case and imposing a penalty in the absence of the student without further notice.

17.2.8 The hearing by the Disciplinary Officer shall, as appropriate, be in accordance with the protocol as set out in 13. The Disciplinary Officer may adjourn the hearing at any time.

17.2.9 The student shall be allowed five working days in which to prepare their case. All information on which the student intends to rely should normally be made available for the members of the panel at least two working days before the date set for the interview, including names of witnesses they intend to call. It is the responsibility of the student to arrange for their witnesses to attend the interview. If all the parties involved in the case are in agreement, an accelerated timeframe may be applied.

17.2.10 The Disciplinary Officer shall deal with the case and either dismiss the charge or impose one or more penalties within the limits specified in 17.2.11.

17.2.11 Having considered the allegation of misconduct, the Disciplinary Officer may dispose of the case using one of the following or any combination.

- i. Dismiss the case.
- ii. Find that a disciplinary offence has been committed but that advice and warning should be given to the student. A record of the advice and warning will be retained on their student record.
- iii. Conditional discharge – that no further action be taken against the student, provided they fulfil the conditions laid down by the Disciplinary Officer.
- iv. A written warning indicating the possible consequences of any further misconduct.
- v. A fine not exceeding £250.
- vi. The imposition of temporary exclusion from the Students' Union.
- vii. Payment for any loss or damage that resulted directly or indirectly from the student's misconduct.
- viii. Referral of the case to the University's Committee of Discipline, in consultation with Academic Affairs.
- ix. Referral of the case to Academic Affairs, for the Fitness to Practise procedure to be invoked.

The standard penalties to be applied for specific offences are set out in Annex 1.

17.2.12 The Disciplinary Officer shall communicate their decision to the student giving reasons for the decision, in writing, normally within eight working days of the decision being made. The student shall also receive a copy of the minutes of the hearing on request. The student's right to appeal a decision shall also be stated in the communication (see 13.2 and 13.3). An annual summary of cases will be prepared by the Disciplinary Officer to be forwarded to the Director of Academic and Student Affairs in August/September of each year.

Where a student has been found to have committed misconduct, details will be retained on a University database. If the student has a previous disciplinary record, this will be taken into account when considering the penalty or penalties to be applied.

18. Northern Ireland Public Services Ombudsman

A student who feels aggrieved by the final decision of the internal process may make a complaint to the Northern Ireland Public Services Ombudsman (<https://nipso.org.uk/nipso/about-us/who-we-are/>) within six months of notification of the University's final decision.

19. Central Monitoring and Record Keeping

19.1 Public Engagement, Queen's Accommodation, Information Services and Schools shall provide the Director of Academic and Student Affairs with an annual report in October each year, of all the cases dealt with under this procedure.

19.2 The Director of Academic and Student Affairs shall make an annual report on disciplinary offences, including those considered by the Committee of Discipline and Student Discipline Appeals Committee to the Education Committee. Individual students shall not be identified in the report.

19.3 The University's Records Retention Schedules are available at: <https://www.qub.ac.uk/about/Leadership-and-structure/Registrars-Office/Information-Compliance-Unit/Records-Management/>.

20. Further Information

Advice on these regulations may be obtained from Academic Affairs (email: appeals@qub.ac.uk).

21. Forms

The forms to be used to make a formal complaint of misconduct against a registered student (Formal Statement of Complaint), appeal against the decision of a Disciplinary Officer (DAF 1) and the decision of a Committee of Discipline (DAF 2) are available at:

<http://www.qub.ac.uk/dasa/AcademicAffairs/AppealsComplaintsandMisconduct/StudentDiscipline/>.

VIII. Conduct Regulations

Annex 1, Table 1: Standard Penalties for Offences Normally Considered at Disciplinary Officer Stage

	Offence	Standard Penalty/Action	
		First Offence	Second Offence
1	Smoking or vaping in a non-designated area (outside).	Written Warning and Fine - £50	Written Warning and Fine - £100
2	Drinking alcohol in a prohibited area.	Written Warning and Fine - £50	Written Warning and Fine - £150
3	Smoking or vaping in a prohibited area (inside).	Written warning and Fine - £150	Referral to Committee of Discipline
4	Burning incense or candles on University premises without appropriate authorisation	Written warning and Fine - £150	Referral to Committee of Discipline
5	Failure, without reasonable cause, to produce accurate identification upon demand to authorised persons, who should identify themselves.	Written Warning and Fine - £150	Written Warning and Fine - £250 and/or exclusion
6	Minor anti-social disturbance including off-campus noise disturbance.	Written Warning and Fine - £150	Written Warning and Fine - £250 and/or exclusion or referral to Committee of Discipline*
7	Causing minor harm or threatening to cause minor harm to another person.	Written Warning and Fine - £150	Written Warning and Fine - £250 and/or exclusion or referral to Committee of Discipline*
8	Minor vandalism or malicious damage to property.	Written Warning and Fine - £150	Written Warning and Fine - £250 and/or exclusion or referral to Committee of Discipline*
9	Disruption of, or interference with, the activities of the University, whether on University premises or elsewhere.	Written Warning and Fine - £150	Referral to Committee of Discipline*
10	Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University.	Written Warning and Fine - £150	Referral to Committee of Discipline*
11	Behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of any other student or member of staff.	Written Warning and Fine - £150	Referral to Committee of Discipline*
12	Indecent misconduct (minor)	Written warning and Fine - £150	Referral to Committee of Discipline*
13	Failure to comply with a penalty previously imposed under these regulations for a minor offence.	Written Warning and Fine - £150	Referral to Committee of Discipline*
14	Contempt of the University's Discipline procedures by failing to co-operate with the University's discipline authorities.	Written Warning and Fine - £150	Referral to Committee of Discipline*
15	Breach of University Regulations or Policy and Procedures e.g. the Student Social Media Policy, Student Visa requirements.	Written Warning and Fine - £150	Referral to Committee of Discipline*
16	Breach of Covid-19 guidance and/or regulations.	Written Warning and Fine - £250	Referral to Committee of Discipline*
17	Misuse of learning materials, including online and recorded materials, provided to students by the University.	Written Warning and Fine - £250	Referral to Committee of Discipline*

*The decision to refer a case to the Committee of Discipline should be taken in consultation with Academic Affairs. A hearing is not required for a case to be referred.

In addition to the above penalties, students will be required to pay for any loss or damage that resulted directly or indirectly from the student's misconduct. **The standard penalties listed above are not maximum penalties.** Depending on the circumstances and severity of an offence a heavier penalty may be applied.

In cases where a student admits an offence or presents mitigating circumstances (which should be recorded), a lesser penalty may be considered. A written warning will stay on the student transcript until graduation.

A second offence of an identical or similar nature will normally be referred to a Committee of Discipline. A second offence of a different nature may be dealt with by a Disciplinary Officer. More than three minor offences will result in a student being referred directly to a Committee of Discipline.

Table 2: Standard Penalties for Offences Considered by the Committee of Discipline

The Committee of Discipline must consider whether the nature and severity of the offence(s) warrant expulsion.

	Offence	Standard Penalty	
		First Offence	Second Offence
1	Minor offence committed by a student with a disciplinary record.	Written Warning and Fine - £350	Suspension
2	Taking property without the consent of the owner	Written Warning and Fine - £500	Expulsion
3	Major vandalism or malicious damage to property.	Written Warning and Fine - £500	Expulsion
4	Misuse of fire or other safety equipment.	Written Warning and Fine - £500	Expulsion or Exclusion from University Accommodation
5	Failure to co-operate with the University's discipline authorities on more than one occasion.	Suspension	Expulsion
6	Behaviour which brings, or may bring, the name of the University into disrepute.	Suspension	Expulsion
7	Possession of an illegal substance or illegal possession of a controlled drug, or possession of any prescription drug which has not been prescribed directly to the student.	Suspension/exclusion from University accommodation	Expulsion
8	Production of, offer of, sale of or giving to any person, any illegal substance, controlled drug or prescription drug.	Expulsion	n/a
9	Abusive, threatening or intimidating, bullying or harassing behaviour	Expulsion	n/a
10	Making false, frivolous, malicious, mischievous or vexatious allegations against another member of the University.	Suspension	Expulsion
11	Serious indecent misconduct	Suspension	Expulsion
12	Sexual misconduct, including attempted sexual misconduct	Expulsion	n/a
13	Failure to disclose the required information to the Director of Academic and Student Affairs as required by regulation 6 of these Regulations.	Expulsion	n/a
14	Fabrication or falsification of evidence or information provided to the University	Expulsion	n/a
15	Physical misconduct	Expulsion	n/a
16	Threats of physical misconduct	Suspension	Expulsion
17	Public disorder	Expulsion	n/a
18	Major breach or repeated breaches of Covid-19 guidance and/or regulations	Expulsion	n/a
19	Repeated or serious/gross misuse of learning materials, including online and recorded materials, provided to students by the University	Suspension	Expulsion

In addition to the above penalties, students will be required to pay for any loss or damage that resulted directly or indirectly from the student's misconduct.

The standard penalties listed above are not maximum penalties. Depending on the circumstances and severity of an offence a heavier penalty may be applied, including suspension, exclusion or expulsion.

In cases where a student admits an offence, or presents mitigating circumstances (which should be recorded), a lesser penalty may be considered.

A written warning will stay on the student transcript until graduation.

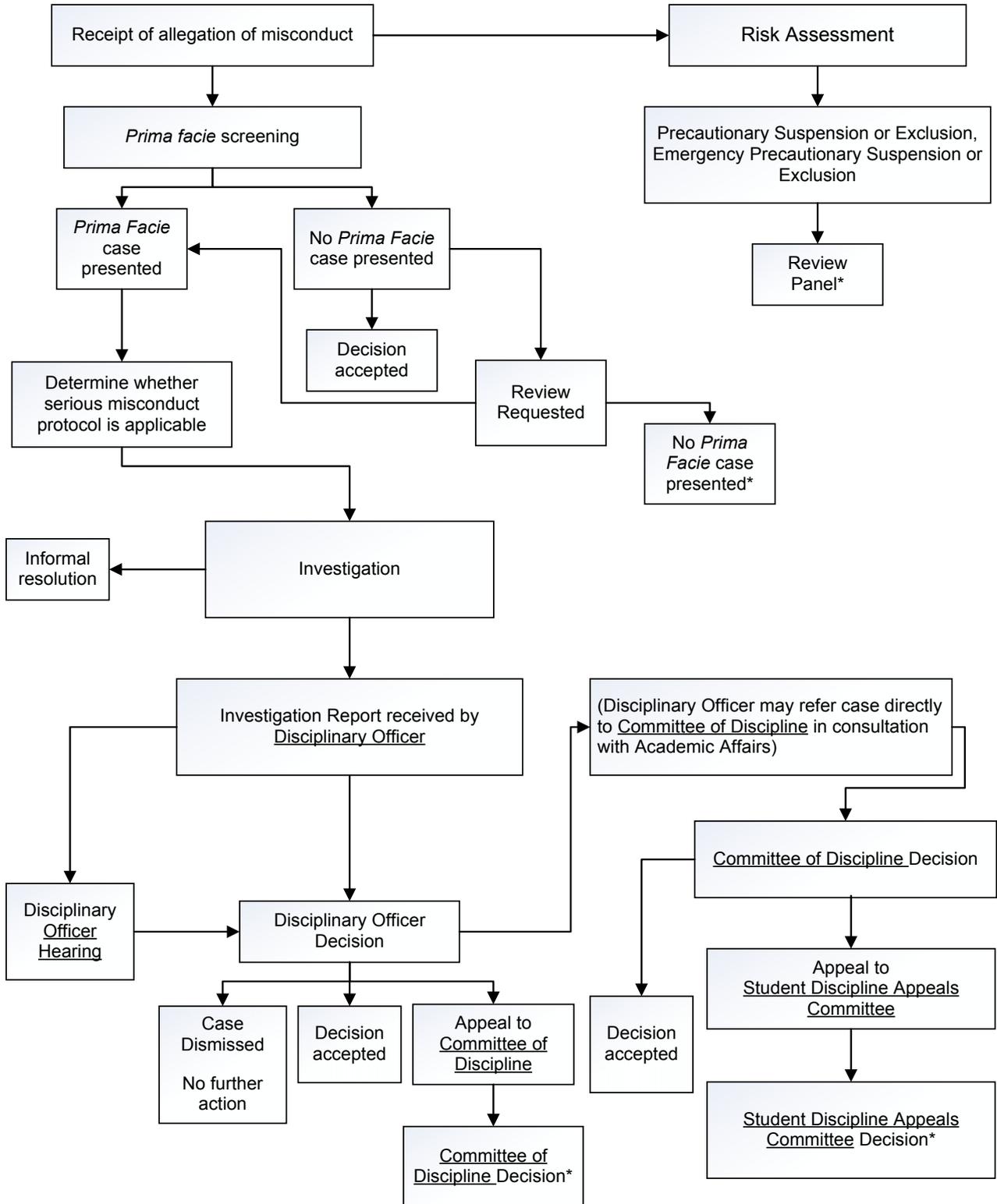
Suspension will normally be for an academic year, although this may vary according to the nature and severity of offences.

Students who are suspended may be permitted to take examinations but will not be permitted to graduate or re-enrol.

Expulsion will be recorded permanently on the student transcript.

Conduct Regulations

Annex 2: Disciplinary Procedure



* No further right of appeal internal to the University, however, a student who feels aggrieved may make a complaint to the Northern Ireland Public Services Ombudsman <https://nipso.org.uk/nipso/about-us/who-we-are/> within six months of notification of the University's final decision.