



Regulation 13 - Student Disciplinary

A. Introduction

1. These regulations set out how City, University of London, will consider any cases where there are concerns that a student's behaviour is inappropriate or disruptive. The term *misconduct* covers this.
2. We will only amend this Regulation after we have consulted with the Students' Union and via the University formal governance processes that have responsibility for overseeing the review of Regulations.
3. In these regulations "you", "your" and "yours" refers to the student; "we", "us" and "our" refer to City, University of London, and its staff acting on its behalf.
4. "You", "your" and "yours" may also mean a former student (please see paragraph 17 below) or an applicant (Please see paragraph 18 below.)
5. In section L below "you", "your" and "yours" refers to a student who is following a programme validated by us at another institution.

B. Overview

6. These regulations show how we will deal with:
 - a. Cases of misconduct by students – see paragraph 7 below for a summary.
 - b. More serious cases of academic misconduct – see paragraph 8 below for a summary.
 - c. Misconduct by students at validated institutions – see paragraph 10 below for a summary.
7. Our process for handling misconduct by students has three stages:
 - a. **Stage 1 is an initial investigation.** This will be managed at a local level where the alleged misconduct happened e.g. School, student service or particular activity. For proven but less serious misconduct this stage can result in a range of penalties.
 - b. **Stage 2 is for more serious matters**, and is done at University level. There will be a panel hearing, at which evidence will be presented. You have a right to present your case. For proven serious misconduct the Panel will impose potentially more serious penalties.

- c. **Stage 3 is the appeal stage.** This is not a re-hearing; it provides a way to test that the process at stages 1 and 2 has operated properly, fairly and proportionately.
8. Academic Misconduct is dealt with under a separate procedure. More serious cases are considered as instances of serious student misconduct, and we will refer these for consideration under Stage 2 of this regulation.
 9. Alleged misconduct relating to an alleged breach of a University Code of Conduct may be referred to this Regulation. These Codes of Conduct include
 - Library Code of Conduct
 - Information Services User Regulations
 - Student Sexual Misconduct Policy
 - Student Harassment and Bullying Policy
 - Regulations governing behaviour in the Student's Union.
 10. Misconduct by students at validated institutions is covered in detail later in this regulation (see section L below). The Validated Institution is responsible for student discipline. Under this procedure, you may in certain circumstances appeal against the outcome of a disciplinary procedure using the Stage 3 process. This regulation also deals with more serious academic misconduct at a Validated institution.
 11. Alleged misconduct relating to other codes of conduct will be managed as appropriate under this regulation at stage 1.
 12. Other sections of these regulations set out:
 - a. Who the regulations apply to (see Section C below);
 - b. What counts as misconduct (see Sections D and M below);
 - c. How these regulations are applied (see section 23 below); and
 - d. Considerations of Equality, Diversity and Inclusion (see section F below)
 - e. Fitness to Practise Policy: Programmes regulated by Professional Statutory and Regulatory Bodies (PSRBs) (see Section J.e below)
 13. The Regulations also cover some special circumstances:
 - a. Emergency action (see Section J.a below)
 - b. Criminal convictions during your studies (see Section J.b below)

- c. Activity which may constitute a criminal offence (see Section J.c below)
 - d. Police investigation and criminal proceedings (see Section J.d below)
14. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent final stage. More details are set out in Section K below.

C. Who do these regulations apply to?

15. The regulations apply if you are registered with us, whether you are actively studying or have suspended or interrupted your study.
16. If you are studying on a course which we validate, or offer in partnership with another organisation, you should refer to your student handbook to check how much these regulations apply.
17. These regulations may apply if you are a former student, and the concerns relate to alleged academic misconduct during an assessment for your award.
18. These regulations may apply if you have accepted an offer of a place with us.

D. What does misconduct cover?

19. We define misconduct as
- Improper interference, in the broadest sense, with our proper functioning or activities, including improper interference with our students, our staff, or members of the public.
20. We will normally consider your actions as misconduct under these regulations if:
- a. They represent a potential or actual threat to our students, staff or members of the public.
 - b. They relate to how we are able to provide a safe study, living and working environment.
 - c. They represent a potential or actual threat to our safety, security, good order, or our reputation.
21. We refer to our premises in these regulations. This includes the premises of organisations with which we work to deliver your programme or services which support your study; and spaces near our and our partners' premises.
22. We refer to online in these regulations. This includes online or virtual space, such as a virtual learning environment used by City, a social media group relating to a University activity, or text messages and emails or other forms of instant messages and voice notes

23. Misconduct is determined by the university on the balance of probabilities. Specific examples of misconduct are set out in section M below.

E. Applying these regulations

24. We will normally only consider allegations of misconduct brought by someone other than the alleged victim if the allegations are supported by the alleged victim.
25. We will not normally investigate anonymous allegations against you. However, an allegation may be investigated if supported by sufficient evidence to justify further consideration of the matter. We may anonymise witness statements before sharing with you when this is considered to be in accordance with our duty of care.
26. We will aim to complete the investigation in cases of alleged misconduct within three months. The individual responsible for investigating and considering the case will establish appropriate timescales based on the nature and complexity of the case and the progress of any parallel proceedings. We will tell you these timescales and keep you informed of any changes.

F. Equality, Diversity and Inclusion

27. We are committed to promoting equality, diversity and inclusion in all our activities, processes, and culture, under our Public Sector Equality Duties and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, working pattern, family circumstance, socio-economic background, political belief or other irrelevant distinction.
28. We will operate these regulations in accordance with our Equality duty under the Equality Act 2010 and our duty of care.
29. Members of staff taking action under this Regulation or their nominee will actively consider any equality and diversity issues which may arise. Where relevant, they may seek advice from specialist student services including in the areas of health and/or disability. We may, where we consider it necessary and appropriate, take disciplinary action irrespective of the causes of any suspected misconduct. Disciplinary proceedings may be postponed, suspended or discontinued where we consider that there is evidence to demonstrate that you are for medical reasons unfit to participate in disciplinary proceedings.
30. If at any point it becomes clear that your alleged breach of this Regulation relates to your disability, health condition or learning difference, in such an instance, and where appropriate, the matter may be referred for consideration under Regulation 10 Fitness to Study
31. We are committed to championing equality. We will ensure that in the coordination and make up of decision-making panels we are striving to fulfil

our commitments to racial equality, gender balance, and actively consider representation of other protected groups.

G. Stage 1 Consideration

32. If it is alleged that your behaviour counts as misconduct, we will consider this either within your School or the relevant student service or activity.
33. Within each service the Professional Services Director will identify a member of staff (referred to in these regulations as 'the officer') responsible for the operation of these regulations and relevant codes of conduct.
34. Within each School, the Dean will identify a member of staff (referred to in these regulations as 'the officer') as responsible for the operation of these regulations and relevant codes of conduct within the School.
35. The officer responsible may nominate another person to undertake the duties set out in this Regulation in a specific case or generally. We will tell you at the start of any proceedings who is dealing with your case. Where in these regulations we refer to the responsible officer or the School officer we include any nominee.
36. If your alleged misconduct may breach standards required by professional, statutory or regulatory bodies (PSRB), the School will also consider whether it is necessary to inform the PSRB of the matter.
37. The nominated officer will deal with the matter either under the relevant Code of Conduct or this regulation. The officer will investigate the allegation of misconduct, and will normally be expected to:
 - Conduct a preliminary investigation to ascertain the facts regarding the allegation
 - Determine whether the matter is suitable for consideration under Stage 1, in which case the officer will take the matter forward in accordance with Stage 1.
 - Inform you in writing of the School's receipt of the alleged breach, and that the matter will be considered under Stage 1 of Regulation 13
 - Provide you with details of the complaint, and specifically how the misconduct is defined in terms of in Section D above and Section M below, including copies of any evidence relied on during the course of the investigation
 - Inform you where information regarding the Student Charter, Codes of Conduct, Disciplinary Policy, relevant Regulations and Guidance may be found

- Inform you of support and advice available to you via, but not limited to, City's Student Services and the Student's Union
 - Invite you to submit a response verbally or in writing
 - Invite you to meet the officer in person, where considered appropriate and practical
 - Where relevant, consider our duty of care in accordance with City's duty of care and Equality duty.
38. The officer will invite you to present any mitigation which may be taken into account when considering what actions may be taken
39. The officer may take advice from specialist student services at any point prior to, or during, their consideration of the case if this is considered to be relevant.
40. The options available to the officer are:
- a. Where there is insufficient evidence to support the allegation or that the case is unsubstantiated: the case is rejected and no further action is taken.
 - b. Where the matter is considered substantiated and you accept the allegation made against you, the School officer may recommend an appropriate remedy or course of action, with specified actions and deadlines. Any remedy or course of action will be confirmed in writing to you. Where you accept this remedy or course of action, the matter is considered resolved and no further action is taken.
 - c. Where the matter is considered substantiated but you reject the remedy or course of action recommended by the School officer, the matter will be referred directly to Stage 2.
 - d. Where the matter is considered substantiated and you do not engage with the process at Stage 1, the matter will be referred directly to Stage 2.
 - e. Where the matter is considered substantiated and the officer considers the case to represent potential serious or repeated misconduct, such that action available only at Stage 2 should be considered: the matter will be referred directly to Stage 2.
 - f. Where the complaint is considered substantiated but you dispute the allegation: the allegation is referred to Stage 2 of this Regulation.
41. The officer may also consider whether you would benefit from a referral to City's Student Support Service(s).

42. The outcome of this stage will be confirmed to you, in writing, normally within 21 calendar days.
43. The alleged victim(s) of the misconduct and any others affected by the alleged misconduct will be informed that the matter has been dealt with in accordance with City's Disciplinary Regulation.
44. Where an allegation of misconduct is referred to Stage 2, the officer is required to produce a report requesting consideration of the case under Stage 2, including the following:
 - What the misconduct is, and precisely how it is defined in terms of in Section D above and Section M below
 - Details regarding the alleged misconduct (date(s) of the misconduct, where the misconduct took place, who reported the alleged misconduct)
 - All relevant evidence regarding the allegation
 - What actions have been taken under Stage 1 in response to the alleged misconduct
 - Why the actions available under Stage 1 are not sufficient to respond to the matter
 - What the preferred outcome is at Stage 2
45. A copy of this report will be provided to you and to the officer responsible for Stage 2.

H. Stage 2 consideration

46. The President will ask the Director of Academic Services and Registrar to appoint a member of staff to act as the officer for Stage 2, either generally, or in relation to a specific case.
47. We may consider your case under Stage 2 of this Regulation if:
 - a. You have been subject to immediate precautionary action pending consideration under Stage 2
 - b. If your case of alleged misconduct has not been resolved at Stage 1 of this Regulation and has been referred for consideration under Stage 2
 - c. If your case of academic misconduct has not been resolved at the School level in accordance with section 5 of the Assessment Regulations or section 8 of the Regulations for Masters Degrees by Research and section 8 of the Regulations for Doctoral Programmes. Such cases will be put directly before a Disciplinary Panel, without the option of a Preliminary Interview.

48. The officer responsible for Stage 2 will establish appropriate timescales for the investigation and consideration of your case based on its nature and complexity and the progress of any parallel proceedings. This includes the timescales associated with any Disciplinary Panel hearing. We will let you know these timescales and any necessary changes.

a. Preliminary Actions

49. The officer may undertake additional investigations where necessary to complete the initial scrutiny. Where the submission does not satisfy the above requirements, the officer has the option of referring the case to the previous stage to allow any specific actions to be undertaken.

50. Any referral of a case to Stage 2 will be first subject to initial scrutiny by the officer supporting Stage 2. The purpose of this initial scrutiny will be to ensure that:

- a. Actions available under Stage 1 have been exhausted
- b. All relevant documentation is collated
- c. You have been appropriately informed of the referral.

51. The officer responsible for Stage 2 has the authority to recommend proportionate temporary precautionary action:

- based on a risk assessment conducted by the relevant Student Support Services (for example Safeguarding)
- pending a hearing and in accordance with Section J.a below,
- if this is felt to be necessary to protect the staff or students of the University.

52. Where such action is taken you will be informed, with reasons. You will also be advised that such action is a precautionary measure and does not constitute a sanction or penalty. A temporary precautionary action will normally take place after the preliminary interview but may occur beforehand if necessary. Where this is applied in advance of a preliminary interview, steps will be taken as soon as is practicable to offer you an opportunity to respond to the allegation.

53. Temporary precautionary measures include but are not limited to; imposing certain conditions e.g. no contact agreement, partial or full exclusion from activities or spaces, temporary full or partial suspension. These measures will be kept under regular review.

54. We will inform you in writing of the referral of the case to Stage 2. Where the case has been referred from Stage 1, you will be sent a copy of the report submitted with the referral. Where the case has been referred directly to Stage 2, you will be advised of:

- The complaint against you, and precisely how it is defined under City's Regulations (Section D above, or for academic misconduct, Regulation 19)
 - The details of the alleged misconduct (date(s) of the misconduct, where the misconduct took place, who reported the alleged misconduct)
 - What evidence is available in relation to the allegation
 - What, if any, actions have been taken under any City Regulation or Code of Conduct in response to the alleged misconduct
55. The officer responsible for Stage 2 may offer you an interview. You may be accompanied by one other person of your choice. This would not normally be a legal representative. If you reject the offer of an interview, the matter may be referred directly to a Disciplinary Panel. Where you would like to take up the offer of an interview, but are not able to attend an interview in person, this meeting may be held via telephone (or similar) or in writing, at the discretion of the officer. The aim of the interview is to provide an opportunity for you and the officer:
- a. To ensure that you understand the allegations made against you
 - b. To ensure the you are aware of City's Student Charter, relevant Regulation and Codes of Conduct
 - c. To ensure you are aware of the support and guidance available to them via City Support Services and the Students' Union
 - d. To consider your and our responsibilities under the Equality Act 2010 where relevant
 - e. Consider whether you would benefit from a referral to City's Student Support Services
 - f. To resolve the matter if all parties are agreed and the outcome is considered appropriate by the officer
56. Where a case is considered to be more serious, the officer or their nominee may refer the concern for consideration directly to a Disciplinary Panel. In this case, you will be informed of this decision with reasons in writing.
57. Options available to the officer following a preliminary interview or at any point during the preliminary part of Stage 2 are as follows:
- a. Where the case is considered to be unsubstantiated: the case will be dismissed and no further action will be taken in relation to the matter

- b. Where the case is considered to be substantiated the officer or their nominee has the ability to invoke any sanction available to the Disciplinary Panel other than expulsion or the retrospective withdrawal of a City award.
 - c. Where the case is considered to be substantiated and you do not admit the case or you do not agree with the penalty suggested by the officer, or the penalties available to the officer are considered by the officer to be insufficient, the matter will be referred to a Disciplinary Panel.
58. The outcome of the preliminary interview, with reasons, will be communicated to you in writing, normally within 14 calendar days of the interview.
59. The alleged victim(s) of the misconduct and any others affected by the alleged misconduct will be informed that the matter has been dealt with in accordance with the Disciplinary Regulation.
60. Any recommendation to suspend or exclude you pending a hearing will be approved by the President or their nominee. As appropriate, the President or their nominee will decide whether the suspension or exclusion will stand. Where relevant, Senate may be informed about a specific breach of this Regulation.

b. Disciplinary Panel

61. The Disciplinary Panel members will be drawn from a list of nominees approved by Senate (these nominees will have received adequate up to date training): the officer or their nominee as Chair, plus another staff member drawn from the list of nominees approved by Senate and a Students' Union officer (or nominee). If, following a reasonable search, no student panel member can be found a second staff member drawn from the list of nominees approved by Senate will be a panel member. The process will be managed by a member of staff from Student & Academic Services.
62. Meetings of the Panel will normally be held face-to-face or by video conference.
63. You will be invited to the Panel meeting and may choose to be accompanied by one other person (or more than one person at the Panel Chair's discretion). Normally the person accompanying you would not be a legal representative.
64. Under very exceptional circumstances, the University may allow a solicitor or barrister to attend in their role as a legal professional. Such exceptions will be considered on a case-by-case basis by the Director of Student & Academic Services (or nominee), using the following criteria:
- The seriousness of the allegation
 - Complexities in the evidence likely to be presented

- The capacity of the individual to understand the case against them
 - Likely procedural challenges
 - The need for fairness in the cross-examination
65. The party making the allegation against you will be invited to attend the Panel meeting. The arrangements for this will vary and take into consideration the circumstances of the alleged misconduct.
66. Papers (evidence, etc.) to support the consideration of the case will be circulated to you and to the Disciplinary Panel in advance of the Panel meeting. The Panel may invite witnesses, consultants, experts or similar to attend to assist the Panel in its considerations (but not have a role in the Panel itself).
67. You may provide a written submission or evidence for the Panel's consideration if you wish. Any submission not made available in advance of the Panel meeting will be accepted by the Panel at the Chair's discretion. You will be given a deadline for the submission of any documentation for circulating in advance of the Panel meeting – should we receive your submission after this deadline, consideration of the submission will be at the Chair's discretion.
68. If you choose not to attend or fail to attend without submitting in writing valid reasons for a postponement, the Panel may meet in your absence.
69. During the Panel's consideration of the case, where you are in attendance, you will be invited to respond verbally to the allegation against them. The Panel will expect to put any questions directly to you. You are expected to respond by yourself to any questions put to you by the Panel or via the Panel. You will have an opportunity to respond to the alleged breach, and to respond to any submission made during the hearing by the party bringing the allegation against you. You may only have another person speak on your behalf during the Panel meeting with agreement by the Panel. You may call witnesses, as may those bringing the allegation or by the Panel. You will have an opportunity to present any mitigating circumstances prior to the outcome of the hearing being finalised.
70. Where the Disciplinary Panel finds the allegations unsubstantiated, the case will be dismissed and no further action will be taken.
71. Where the Disciplinary Panel upholds the allegation against you, the options available to the Panel are:
- a. Where the case relates to non-academic misconduct and the allegations are found to be substantiated by the panel, options available are:
 - i. Written warning.

- ii. Appropriate compensatory action.
 - iii. Fine.
 - iv. Any sanctions listed in the appropriate Code of Conduct.
 - v. Exclusion. This can include selective restriction of:
 - 1. attendance at or access to City;
 - 2. exercise of functions or duties of offices or committees of City;
 - 3. contact with named person(s);
 - 4. privileges associated with City, for example those associated with the Library.
 - vi. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment).
 - vii. Expulsion from City.
 - viii. Retrospective withdrawal of any City awards.
 - ix. (Where complaint relates to an applicant who has not yet completed Registration): withdrawal of an offer
- b. Where the case relates to academic misconduct and the allegations are found to be substantiated by the panel, options available are:
- i. Any of the sanctions listed in section 5 of the Assessment Regulations.
 - ii. A fail (0%) for the assessment component or module with the right to remaining resit(s) removed.
 - iii. Any of the sanctions listed in the Assessment Regulations combined with the ability to reduce or rescind previously gained marks.
 - iv. Any of the sanctions listed in section 8 of the Regulations for Masters Degrees by Research and section 8 of the Regulations for Doctoral Programmes.
 - v. Any of the sanctions listed in section 8 of the Regulations for Masters Degrees by Research combined with the ability to reduce or rescind previously gained marks if appropriate.
 - vi. Any of the sanctions listed in section 8 of the Regulations for Doctoral Programmes combined with the ability to reduce or

rescind previously gained marks if appropriate. Reduced degree classification or award level.

- vii. Exclusion. This can include selective restriction of:
 - 1. attendance at or access to City;
 - 2. exercise of functions or duties of offices or committees of City;
 - 3. contact with named person(s);
 - 4. privileges associated with City, for example those associated with the Library.
 - viii. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment).
 - ix. Expulsion from City.
 - x. Retrospective withdrawal of any City awards.
72. Sanctions can be combined as appropriate and reasonable. The Disciplinary Panel may also consider the period of time for which a sanction will remain effective, if relevant, and whether a review of a sanction should be undertaken at any point.
73. Where a penalty of suspension or exclusion is applied, the Panel will specify what the arrangements will be for the length of the interruption to studies or access to facilities, who the contact will be for you during the interruption, what your registration status is, and your fee status. Consideration should be given to any visa-related issues (for international students). The Panel will confirm what the arrangements will be for the lifting of your exclusion or your return to studies following suspension.
74. Where you have been sentenced by a criminal court in respect of the same allegations, the outcome of the criminal proceedings shall be taken into account in determining the sanction. City reserves the right to verify information you provide regarding the outcome of criminal proceedings with the relevant public authorities.
75. The outcome of the Disciplinary Panel hearing, with reasons, will be communicated to you in writing, normally within 14 calendar days of the hearing. You will be informed of your right of appeal.
76. Where you are on a programme that is overseen by a professional body:
- i. We may need to report the disciplinary finding to the relevant professional body

- ii. We may consider a disciplinary finding that is on file when providing a reference for you, e.g. in relation to your fitness to practice a profession.

77. The number of Disciplinary Panel hearings will be recorded and reported to Senate.

I. Stage 3 Appeals against the outcome of Stage 2 consideration

78. You may appeal against the outcome of the Stage 2 consideration of your disciplinary case on one or more of the following grounds:

- a. That there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound; AND/OR
- b. That there is new material evidence that, for demonstrable, valid and over-riding reasons you could not submit previously; AND/OR
- c. That the sanction applied at the Stage 2 was disproportionate in the circumstances.
- d. The temporary precautionary action was not proportionate based on new material evidence or defects in the disciplinary investigation

79. An appeal is not a re-hearing of the case. Dissatisfaction with the outcome of the Stage 2-level consideration alone is not a ground for appeal.

80. An appeal, with appropriate evidence, may be submitted to the Director of Student and Academic Services or their nominee within 21 calendar days of the written confirmation of the Stage 2 decision.

a. Initial scrutiny

81. We will normally acknowledge the receipt of your appeal within 7 calendar days.

82. The appeal will be scrutinised by two members of City staff who have been nominated by the Director of Student and Academic Services and Registrar (as nominee of the President) The purposes of the initial scrutiny are:

- To ensure that the appeal documentation has been fully completed and that all relevant evidence has been enclosed; AND
- To reach an initial view on whether sufficient evidence has been provided to merit consideration of a claim on one or more of the grounds for appeal.

83. An appeal may be rejected if the documentation is not complete and/or insufficient evidence has been provided.

84. If there is sufficient evidence to merit consideration of the appeal on one of the grounds set out in paragraph 78 above an Appeal Panel will be established.
85. If there is insufficient evidence to merit consideration of the appeal on any of the grounds set out in this section of these Regulations the appeal will be rejected.
86. You will be informed of the outcome of the initial scrutiny, normally within 21 calendar days of the acknowledgement being sent. Where an appeal is rejected reasons will be provided.

b. Appeal Panel

87. An Appeal Panel will normally be convened within 28 calendar days of the outcome of the initial scrutiny. It will comprise of the Director of Student and Academic Services and Registrar or their nominee as Chair plus a member of staff drawn from the University's Senate approved list and a Students' Union officer (or their nominee). If, following a reasonable search, no student is available, a second member of staff drawn from the University's Senate approved list will be used.
88. Meetings of the Panel with the student will normally be held face-to-face or by video conference.
89. You will be invited to attend the hearing and may choose to be accompanied by one other person. If you choose not to attend or fail to attend without submitting in writing valid reasons for a postponement the Appeal Panel may meet in your absence.
90. The Appeal Panel will consider the case and make a decision. Options available are:
 - a. To ratify the sanction applied following Stage 2 consideration.
 - b. To amend the sanction applied following Stage 2 consideration.
 - c. To revoke the sanction applied following Stage 2 consideration.
 - d. To refer the case back to the Stage 2 officer or they nominee with commentary, to be reconsidered in the way in which the case was considered originally (either at preliminary interview or by a Disciplinary Panel).
91. The outcome of the Appeal Panel hearing will be provided to you in writing, normally within 14 calendar days of the hearing.
92. The outcome of the Appeal Panel hearing will be reported to Senate and a record will be retained.

J. Special circumstances

93. A number of special circumstances may exist in your case: the following sections set out how we will deal with them.

a. Emergency action

94. We consider conduct defined under paragraphs 156.c, 156.d, 156.g, 156.i and 156.j below to be examples of conduct which could represent immediate, serious and significant threat to your and others personal safety or that of our premises.

95. Where your conduct is considered to represent a potential immediate, serious and significant threat to your and/or others' personal safety or that of our premises, the officer responsible for the consideration of the case may recommend temporary precautionary action, subject to approval by the President (or nominee). The case will then be conducted in line with Stage 2 of this Regulation.

96. The President (or nominee) will make a decision to approve temporary precautionary action subject to a risk assessment conducted by the relevant Student Support Services (for example Safeguarding) pending a hearing.

97. We may take temporary precautionary action pending consideration by those acting at Stage 2 and in accordance with paragraph 51 above. Where we apply a temporary precautionary action in advance of a preliminary interview, we will as soon as possible offer you an opportunity to respond to the allegation.

98. Where we take such action, we will inform you, and give you reasons. We will advise you that such action is a precautionary measure and does not constitute a sanction or penalty.

99. Where we take such action, you have the right to appeal the decision in writing to the Director of Student & Academic Services or their nominee within 14 days of the decision being communicated to you.

100. You may appeal any decisions made under emergency action only on the basis that the temporary precautionary action was not proportionate based on new material evidence or defects in the disciplinary investigation.

101. The Director of Student & Academic Services or their nominee would investigate any appeals regarding decisions taken under emergency action and respond to you in writing within 14 days from submission of your appeal.

b. Special circumstances: Criminal convictions

102. This section does not apply in relation to an admissions application by an individual: this is considered under the Admissions Code of Practice.

103. For programmes that are regulated by Professional, Statutory and Regulatory Bodies you must follow and adhere to the School-level policies with regards to declaring offences and convictions as required by Professional, Statutory and Regulatory Bodies.
104. You must declare a relevant criminal conviction as soon as reasonably possible after conviction. It is your responsibility to inform and take all necessary steps to communicate with us. If we believe that you have purposely withheld information, acted dishonestly or deceitfully in regards to disclosing such information, we may take action under this Regulation whether or not the conviction/ offence is considered under this Regulation. You may seek advice and support from City Students' Union.
105. We will not make a judgement against you until the matter has been investigated and the outcome determined.
106. The standard of proof applied in operating this procedure is the balance of probabilities. The burden of proof lies with the University.
107. The focus of any investigation will be evidence of misconduct as defined within this regulation.
108. Where a conviction or offence occurred outside of Britain and may be spent under the associated national law, it is not automatically considered a spent conviction under the Rehabilitation of Offenders Act 1974 (the Act) as applied to England and Wales. Therefore, where a student is convicted outside of Britain, whether the conviction is spent will be calculated according to the Act by regarding the conviction in the same way as the corresponding sentence or nearest equivalent under the Act as applied to England and Wales. We may, at our discretion, take the view to apply this Regulation where a conviction outside of England and Wales does not correspond with a criminal act under domestic law.
109. If, during the course of your registration, we become aware of a criminal conviction (unspent during any time of registration with us, or recently applied and to be served) which may constitute misconduct under this Regulation, we may take action under this Regulation.
110. We are not bound by the outcome of any criminal prosecution although we may in our discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this procedure. A conviction in a criminal court may be taken as conclusive evidence that the offence has occurred and no further investigation shall be required by us unless there are other misconduct allegations not pursued by the police or courts. The focus of any disciplinary process will therefore be on the impact and effect of the conviction and/or on the sanction/s (if any) to be applied.

111. In addition to the actions outlined in this section the President (or their nominee) may apply temporary precautionary action immediately in line with section J.a above.
112. Where the decision to pursue disciplinary action is taken in any of the above circumstances we will inform you with reasons as to which route of the Regulation this action will follow (i.e. Stage 1 or Stage 2). Where temporary precautionary action has been taken once the decision is taken to proceed with disciplinary action, the case should be referred to Stage 2 of this Regulation once we have received confirmation that any police or legal proceedings have been completed.
113. If at any point it becomes clear that your alleged breach of this Regulation relates to your disability, health condition or learning difference, in such an instance, and where appropriate, the matter may be referred for consideration under Regulation 10 Fitness to Study.

c. Special circumstances: Activity which may constitute a criminal offence

114. Where your alleged misconduct may, if proven, constitute a criminal offence, the case must be referred to the President (or nominee). They will consider the allegation(s) and may consult with those affected by the alleged misconduct. They will determine whether the offence is considered to threaten our reputation or to suggest that our staff, students or graduates may be at potential risk:
 - a. If it is considered that either or both of these circumstances is present no action will be taken other than that temporary precautionary measures may be taken until the matter has been reported to the police and either prosecuted or a decision not to prosecute taken. At this point the President or their nominee will decide whether disciplinary action should be taken via Stage 2 of this regulation.
 - b. If it is considered that neither of these circumstances is present the President or their nominee will decide whether to take disciplinary action through one of the routes outlined in this Regulation or to delay proceedings pending any police investigation.
115. We may report any conduct which may be in breach of the law to the police. It is for the President or their nominee to decide what constitutes a potential breach of the law and whether such should be reported. This does not prevent any person from reporting any matter to the police if they wish to do so. In addition to the actions outlined in this section the President (or nominee) may apply temporary precautionary measures immediately in line with these regulations.

d. Special circumstances: Notification of police investigation and/or legal proceedings against a student taking place

116. Where the alleged misconduct is already subject to police investigation or legal proceedings when it is reported to us, the case must be referred to the President (or nominee). They will determine via a risk assessment whether the offence is considered to threaten our reputation or to suggest that our staff or students may be at potential risk.
- a. If either of these circumstances are present temporary precautionary measures may be taken until the matter has been concluded by the police or courts. Should it be decided that the alleged misconduct is appropriate for consideration under the Disciplinary procedure, the disciplinary process (at any stage) will be suspended until we have received confirmation that the criminal investigation and any legal proceedings have been concluded. You will be advised that interruption of studies is an available option whilst undergoing any police investigation or legal proceedings.
 - b. If the decision has been taken not to proceed to a criminal trial or you receive a verdict other than conviction at trial, we may still conduct further investigations and/or instigate disciplinary proceedings in respect of outstanding matters of concern to us. For the avoidance of doubt, the verdicts covered by this provision include, but are not limited to, acquittal and 'not proven'.

e. Fitness to Practise Policy: Programmes regulated by Professional Statutory and Regulatory Bodies (PSRBs)

117. For programmes regulated by Professional Statutory and Regulatory Bodies (PSRBs) the University is required to have a Fitness to Practise Policy and Procedure in place to manage fitness to practise.
- a. The Policy covers awards, progression and registration and applies to programmes leading to professional qualification and/or eligibility to apply to a professional register which requires students to undertake periods of experience in practice settings. The University, in conjunction with the professional and regulatory bodies, has a duty to ensure the student is fit to practise during and up to the point of registration/awarding of qualification or academic credits.
 - b. Fitness to practise is monitored and assessed throughout a student's time on the programme and, if there are concerns including allegations of misconduct, lack of competence and poor health, these will be investigated and addressed by the School. The main purpose in doing this is to safeguard the health and wellbeing of the public, and to adhere to the standards set out by regulatory bodies.
 - c. Concerns related to a student's conduct or health are addressed through the University's Fitness to Practise Policy. Initial concerns

raised are addressed through supportive action plan as part of the Cause for Concerns process, which is embedded in the Fitness to Practise Policy.

- d. Ongoing or serious concerns are referred to the Fitness to Practise Panel.
 - e. The Fitness to Practise Panel operates in accordance with the Fitness to Practise Policy. Decisions made by the Fitness to Practise Panel are presented to the Assessment Board for ratification – the Panel has the power to make a recommendation to the Assessment Board that the student is not fit to practise and therefore should be withdrawn from the programme.
 - f. The student has the right to appeal the decision of the Assessment Board through the University's Appeals Regulations 19.
118. In addition to the actions outlined in this section the President (or their nominee) may apply temporary suspension or exclusion immediately in line with section J.a above.

K. The Office of the Independent Adjudicator

119. When City's internal procedures have been concluded we will issue you with a Completion of Procedures (CoP) Letter. Following this, if you are dissatisfied with the final decision on your case you may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education.
120. Information and eligibility rules are available at: www.oiahe.org.uk

L. Consideration of cases of alleged misconduct by students following a programme of study validated by City.

121. City validates programmes offered at other institutions as leading to awards of City, University of London. City has overarching responsibility for the quality and standards of the academic programmes offered by these institutions. A student on a validated programme may also make use of various City services. In addition, Validated Institutions follow the City's Assessment Regulations, including the procedures to be followed in cases of alleged academic misconduct.

122. If you are studying on a programme which we validate then under these regulations:

- a. You may appeal against the final decision of a Validated Institution Disciplinary Procedure if the misconduct relates to the programme of study leading to an award made in the City's name.
- b. You may appeal against the final decision of a Validated Institution Disciplinary Procedure if the misconduct relates to an activity that has taken place on City premises.
- c. If you are alleged to have committed academic misconduct, the case may be considered under the City's Student Discipline Regulations in certain circumstances (see section L.a below).
- d. If you are sanctioned for a disciplinary matter that is not concerned with conduct relating to the programme of study leading to an award made in City's name or to an activity that has taken place on City premises, you are not entitled to appeal to City against the final decision of a Validated Institution Disciplinary Procedure.

a. Treatment of cases of alleged academic misconduct by students on validated programmes

123. Where you are alleged to have committed academic misconduct, the case will in the first instance be considered under the Validated Institution's policies and procedures. These policies and procedures will be established in accordance with City's Assessment Regulations.

124. Where the Validated Institution considers that the case is serious enough to warrant a sanction greater than those it is able to recommend, it may ask that your case be dealt with under the City's Regulation 13. The panel may recommend a sanction it considers appropriate for consideration by the Disciplinary Panel. Sanctions the Validated Institution may recommend include any of those listed in paragraph 131 below.

125. Where a case is referred by the Validated Institution to City a Disciplinary Panel will be established. This will comprise the Dean of Validation or their nominee as Chair, plus two members of staff from the Validated Institution.

Appropriate consideration will be given to prevent conflicts of interest in panel members.

126. Meetings of the Panel will normally be held face-to-face or by video conference.
127. You will be invited to the meeting and may choose to be accompanied by one other person. Evidence will be provided to you and to the Disciplinary Panel in advance of the meeting. You may provide a written response to the evidence provided if you wish.
128. If you choose not to attend or fail to attend without submitting in writing valid reasons for a postponement the panel may meet in your absence.
129. The Disciplinary Panel will consider the case. You may call witnesses, as may those bringing the allegation or the Panel. You will have opportunity to present any mitigating circumstances prior to the outcome of the hearing being finalised.
130. Where the Disciplinary Panel finds the allegations unsubstantiated, no further action will be taken.
131. Where the Disciplinary Panel finds the allegations substantiated, the options available to the Panel are:
 - a. Any of the sanctions listed in the Assessment Regulations.
 - b. A fail (0%) for the assessment component or module with the right to remaining resit(s) removed.
 - c. Any of the sanctions listed in the Assessment Regulations combined with the ability to reduce or rescind previously gained marks.
 - d. Reduced degree classification or award level.
 - e. Exclusion. This can include selective restriction of:
 - i. attendance at or access to City and/or Validated Institution;
 - ii. exercise of functions or duties of offices or committees of City and/or Validated Institution;
 - iii. contact with named person(s);
 - iv. privileges associated with City and/or Validated Institution, for example those associated with the Library.
 - f. Suspension, either total or qualified (e.g. providing permission to attend for the purpose of an assessment).
 - g. Expulsion.

h. Retrospective withdrawal of City awards.

132. Sanctions can be combined as appropriate and reasonable. The Disciplinary Panel will also consider the period of time for which a sanction will remain effective, if relevant, and whether a review of a sanction should be undertaken at any point.
133. Where a penalty of suspension or exclusion is applied, the Panel will confirm what the arrangements will be for the length of the interruption of studies or access to City or Institution facilities, who the contact will be for you during the interruption, what your registration status is, and your fee status. Consideration should be given to any visa-related issues (for international students). The Panel will confirm what the arrangements will be for the lifting of your exclusion or your return to studies.
134. Where you have been sentenced by a criminal court in respect of the same allegations, the outcome of the criminal proceedings shall be taken into account in determining the sanction. City reserves the right to verify information you provide regarding the outcome of criminal proceedings with the relevant public authorities.
135. The outcome of the Disciplinary Panel hearing, with reasons, will be communicated to you in writing, normally within 21 calendar days of the hearing.
136. The outcome of the Disciplinary Panel hearing will be recorded and reported to Senate.
137. You may appeal against the decision of the Disciplinary Panel in accordance with the appeals procedure set out below.

**b. Appeals against the final decision of a Validated Institution
Disciplinary Procedure or against the decision of a Disciplinary Panel**

138. You may appeal against the final decision of the Validated Institution Disciplinary Procedure if:
 - a. The misconduct related to: the programme of study leading to an award made in the City's name; AND/OR an activity that has taken place on City premises. AND
 - b. The appeal is made on one or more of the following grounds:
 - i. That there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound; AND/OR
 - ii. That there is additional significant and relevant evidence that, for demonstrable, valid and over-riding reasons, could not be submitted previously; AND/OR

iii. That the sanction applied by the Validated Institution was disproportionate in the circumstances.

139. An appeal is not a re-hearing of the case. Dissatisfaction with the outcome of the Validated Institution Disciplinary Procedure is not alone a ground for appeal.

140. Alternatively, if you have been found guilty of academic misconduct by a Disciplinary Panel in accordance with section L.a above you may appeal against the decision of the panel on one or more of the following grounds:

- a. That there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound; AND/OR
- b. That there is additional significant and relevant evidence that, for demonstrable, valid and over-riding reasons, could not be submitted previously; AND/OR
- c. That the sanction applied by the panel was disproportionate in the circumstances.

141. Your appeal, with appropriate evidence, may be submitted to the officer nominated by the President or their nominee within 28 calendar days of the written confirmation of the Validated Institution decision or within 28 calendar days of the written confirmation of the outcome of the Disciplinary Panel.

c. Initial scrutiny

142. We will normally acknowledge receipt of your appeal within 7 calendar days.

143. Your appeal will be scrutinised by two members of City staff who have been nominated by the officer responsible for Stage 2 or their nominee. The purposes of the initial scrutiny are:

- to ensure that the appeal documentation has been fully completed and that all relevant evidence has been enclosed; AND
- to reach an initial view on whether sufficient evidence has been provided to merit consideration of a claim on one or more of the grounds for appeal.

144. Your appeal may be rejected if the documentation is not complete and/or insufficient evidence has been provided.

145. If there is sufficient evidence to merit consideration of the appeal on one of the grounds set out in paragraph 138 above an Appeal Panel will be established.

146. If there is insufficient evidence to merit consideration of the appeal on any of the grounds set out in paragraph 138 above the appeal will be rejected.

147. You will be informed of the outcome of the initial scrutiny, normally within 28 calendar days of the acknowledgement being sent. Where an appeal is rejected reasons will be provided.

d. Appeal Panel

148. An Appeal Panel will normally be convened within 28 calendar days of the outcome of the initial scrutiny. It will comprise the officer responsible for Stage 2 or their nominee as Chair plus a member of City staff and a City student. Appropriate consideration will be given to the need to prevent conflicts of interest in panel members, and panel members should not have been involved in the case previously.
149. Meetings of the Panel will normally be held face-to-face; if this is not possible the panel may meet by video conference.
150. Senate will nominate a senior member of City administrative staff, who will not be part of the panel, to attend the hearing.
151. You will be invited to attend the hearing and may choose to be accompanied by one other person. If you choose not to attend, or fail to attend without submitting in writing valid reasons for a postponement, the panel may meet in your absence.
152. The Appeal Panel will consider the case and make a decision. Options available are:
- a. to ratify the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel.
 - b. to amend the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel.
 - c. to revoke the sanction applied through the Validated Institution Disciplinary Procedure or by the Disciplinary Panel.
 - d. to refer the case back to the Validated Institution or the Disciplinary Panel with commentary.
153. The outcome of the Appeal Panel hearing will be provided to you in writing, normally within 21 calendar days of the hearing.
154. The outcome of the Appeal Panel hearing will be reported to Senate and a record will be retained.
- e. Office of the Independent Adjudicator**
155. When the appeal has been concluded you will be issued with a Completion of Procedures (CoP) letter. Following this, if you are dissatisfied with the final decision on your case, you may be able to apply to the Office of the

Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: www.oiahe.org.uk

M. Appendix – definition of misconduct

156. Some specific examples of misconduct are:

- a. If you disrupt or interfere with our academic, administrative, sporting, social or other activities, or do similar for other organisations involved in the delivery or support of your programme of study, or of the provision of services relating to your registration with us;
- b. If you obstruct or interfere with the functions, duties or activities of any of our students, members of staff or authorised visitors, or do similar in respect of students, staff or visitors of other organisations involved in the delivery or support of your programme of study, or in the provision of services relating to your registration with us;
- c. If your behaviour or language is violent, indecent, disorderly, threatening or offensive whilst on our premises or online, whilst engaged in any City activity;
- d. bullying or harassment (as defined within our Student Harassment and Bullying Policy);
- e. sexual misconduct (as defined within our Student Sexual Misconduct Policy)
- f. if you commit fraud, deceit, deception or dishonesty in relation to us or to our staff or in connection with holding any office with us or in relation to being our student;
- g. If you take any action likely to cause injury or impair safety on our premises;
- h. If you breach of the provisions of any of our Codes of Conduct or equivalent. These include
 - Library Code of Conduct
 - Information Services User Regulations
 - Student Sexual Misconduct Policy
 - Student Harassment and Bullying Policy
 - Regulations governing behaviour in the Student's Union.
- i. If you intentionally or recklessly damage, deface or misappropriate our property or that of other members of our community or of other organisations involved in the delivery or support of your programme of

study, or in the provision of services relating to your registration with us;

- j. If you misuse or use without authorisation our premises or property, including computer misuse;
- k. If your conduct constitutes a criminal offence where that conduct:
 - i. took place on our premises or online, and/or
 - ii. affected or concerned other members of our community, and/or
 - iii. damages our good name, and/or
 - iv. itself constitutes misconduct within the terms of these regulations and/or
 - v. is an offence of dishonesty, where you hold a responsible office with us;
- l. If you fail to disclose your name and other relevant details to one of our officers or employees in circumstances when it is reasonable for us to require that such information be given;
- m. If you fail to comply with instructions and procedures from our security team;
- n. If you fail to comply with a penalty previously imposed under these Regulations;
- o. If your conduct constitutes unsuitability for the profession, where your course of study is linked to a particular profession;
- p. If you fail to comply with a code of conduct and/or with other policies and regulations as set out in our Terms and Conditions of Study.

Approved 13 July 2022