

Student Conduct Procedure



Applicable from:	2 nd January 2025 (Cases received by the Student Casework Team prior to this date will be reviewed under the Student Conduct and Discipline Code)
Approved by:	Learning, Teaching and Student Experience Committee
Date of approval:	September 2024
Date of next review:	July 2025
Previous review Dates:	September 2024
Scope of policy (audience):	All registered students at Leeds Trinity University. Includes all police student officers, apprentices, and students at partner institutions
Policyholder:	Director of Academic Quality and Standards
Contact:	StudentConduct@leedstrinity.ac.uk

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Abbreviations and Definitions

Academic Misconduct - Academic Misconduct encompasses all kinds of academic dishonesty, whether deliberate or unintentional, which infringes upon the integrity of the University's assessment procedures. This Policy does not cover Academic Misconduct. Examples include plagiarism, contract cheating, collusion, fabrication and cheating in exams.

AO - Accommodation Officer

COO – Chief Operating Officer

CPS – Crown Prosecution Service

GDPR – General Data Protection Regulation

‘Hearing’ – a meeting which provides the opportunity for a student to state their case.

LTSU – Leeds Trinity Student Union

LTU – Leeds Trinity University

Non-Academic Misconduct – Encompasses almost all misconduct that does not relate to assessment. This Policy refers specifically to non-academic misconduct. Examples include illegal drug use, malicious damage, failure to abide by smoking policies, bullying, harassment and health and safety violations.

OIA – Office of the Independent Adjudicator

PEQF – Policing Education Qualification Framework

PGR – Postgraduate Research

PSRB – Professional, Statutory or Regulatory Body

RAATC - Residential Accommodation Agreement and Terms and Conditions

‘Reasonable’ – Using sound judgement; fair, sensible, and appropriate.

SCP – Student Conduct Panel

‘Student’ – Any registered member of Leeds Trinity University to which this policy applies.

‘The University’ – Leeds Trinity University

VLE – Virtual Learning Environment

WYP – West Yorkshire Police

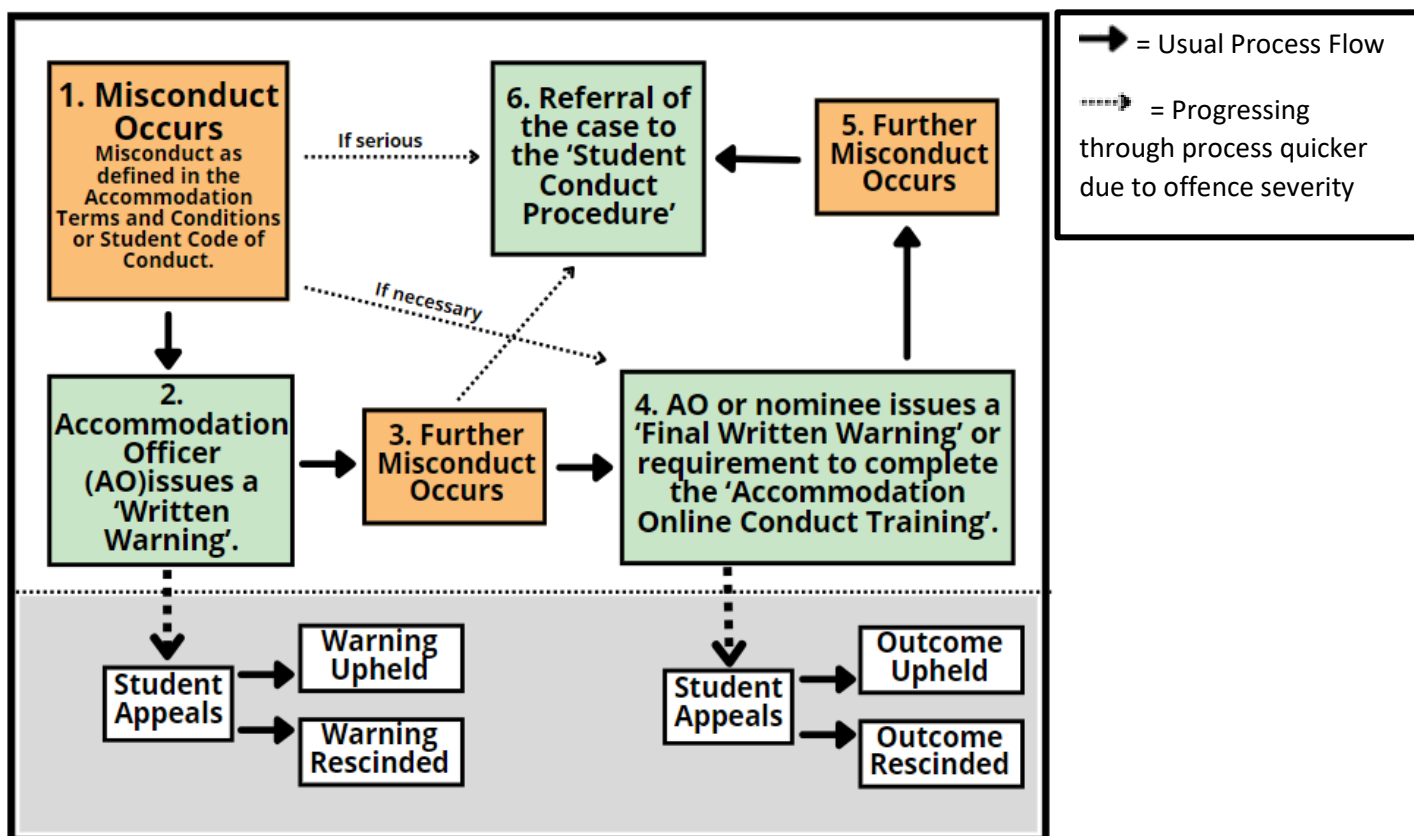
1. This Procedure and Related Policies and Procedures

- 1.1. This Procedure is one of three core documents which underpin how the University will respond to non-academic misconduct allegations where the alleged perpetrator is a student registered at LTU (including PGR students):
- a) **The Student Code of Conduct** – Defines behaviour which constitutes non-academic misconduct by a student from the perspective of the University.
 - b) **The Student Conduct Policy** – Provides the scope of student conduct procedures and the key principles that underpin how the University approaches student non-academic misconduct cases. Outlines the rights of all LTU students involved in LTU conduct procedures and the powers at the University's disposal to respond to misconduct and investigate allegations.
 - c) **The Student Conduct Procedure** – This procedure. Contains detailed information on the procedures and processes that the University undertakes to investigate and address non-academic misconduct. The procedure is subject to the terms set out in *The Student Conduct Policy*.
- 1.2. In some cases, it may be more appropriate for the University to respond to allegations of misconduct through alternative Policies and Procedures. Below is a list of related policies, their purpose and relation to the Student Conduct Policy and Procedure:
- a) **Sexual Misconduct Policy** – The University's policy for dealing with student cases of sexual misconduct that may constitute a criminal offence. This Policy explains the steps and decisions that the University should take between any disclosure or report of potential Sexual Misconduct and further disciplinary action.
 - b) **Support to Study Policy and Procedure** – Provides a framework for supporting any student where there are concerns related to their ability to safely engage with Leeds Trinity University life and study due to ill health. Students may be referred to *Support to Study* from the *Student Conduct Policy* if it is deemed that they have breached the *Student Code of Conduct* primarily due to ill health.
 - c) **Fitness to Practise Policy and Procedure** – Provides a process whereby the University can assess whether students enrolled on a programme which is recognised by a PSRB are "suitably qualified and prepared, and demonstrating appropriate skills, conduct, values and attributes, to perform a particular professional role as recognised by the relevant professional body". Students on such programmes may be referred to *Fitness to Practise* from the *Student Conduct Policy* for alleged breaches of the *Student Code of Conduct* where appropriate.
 - d) **Student Professional Misconduct Policy** – Guidance on how the University will respond to misconduct in relation to some volunteering and professional placements. Alleged student misconduct may be addressed under the *Student Professional Misconduct Policy* instead of the *Student Conduct Policy* where appropriate.

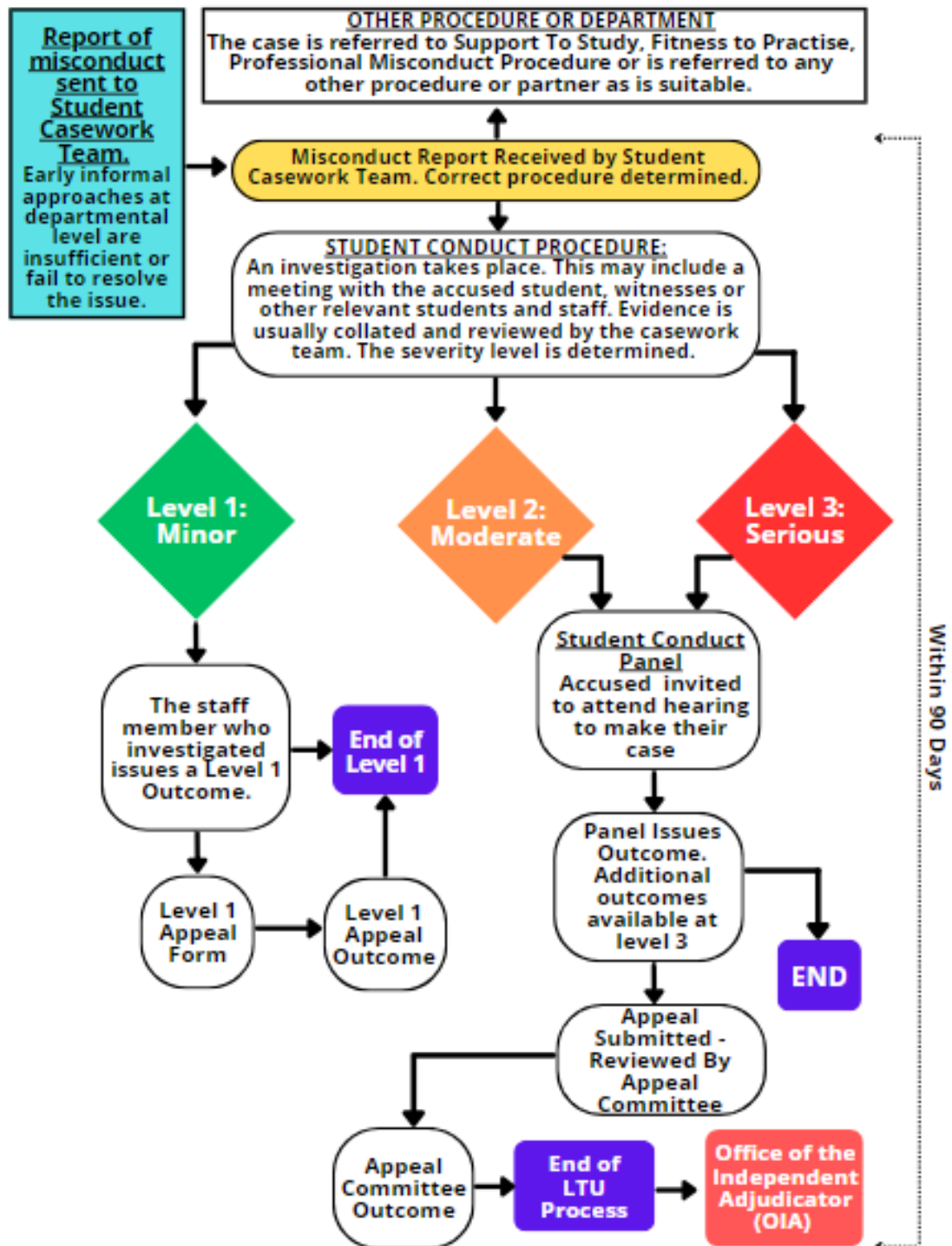
2. Procedures and Flowcharts

- 2.1. Please see below, three flowcharts for processes within the Student Conduct Procedure. Flowchart 'A' refers to the process within accommodation for addressing misconduct prior to a referral to the formal 'Student Conduct Procedure'.

A – Procedure within accommodation for addressing initial misconduct within the hall (3.1 - 3.3 of this procedure)



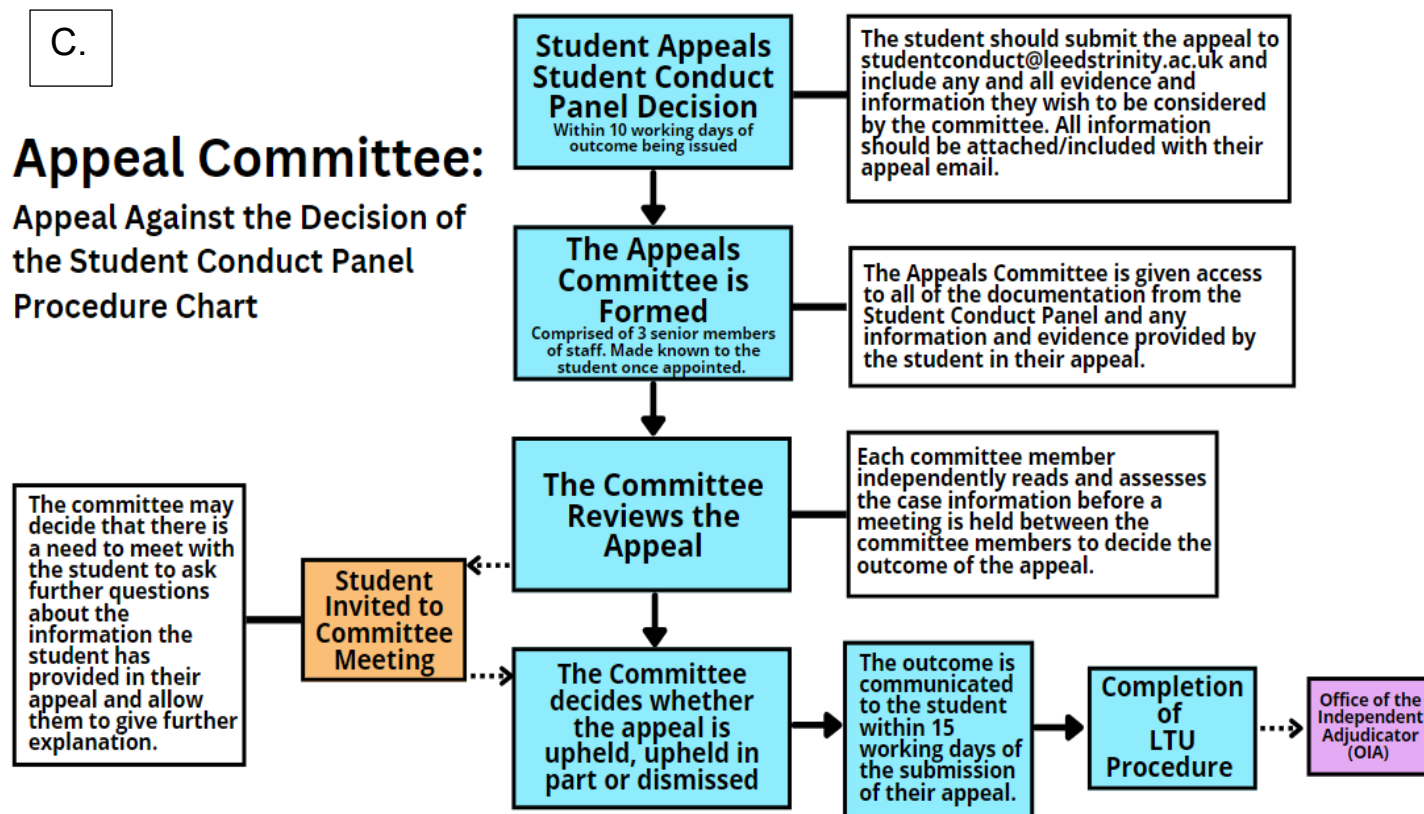
B. Student Conduct Procedure



C.

Appeal Committee:

Appeal Against the Decision of the Student Conduct Panel Procedure Chart



3. Informal Resolution

- 3.1. Initially, low level non-academic misconduct may be addressed in the student's school, in teaching sessions, other departments (e.g. library or IT Services) or by partners. This may involve immediate verbal or email warnings against future behaviour. When the misconduct is repeated or deemed serious in nature the case will be referred to the Student Casework Team(studentconduct@leedstrinity.ac.uk) to be taken forward under the Student Conduct Procedure.

Accommodation

- 3.2. For matters of misconduct in Leeds Trinity Residences, as set out in the residences Terms and Conditions and the Student Code of Conduct, the Accommodation Officer (AO) or nominee can issue the following to students:
- Written Warning** – A warning against future misconduct, usually for 1st Offences.
 - Final Written Warning** – Which will set out that further misconduct will cause a referral to the formal Student Conduct Procedure (section 4 onwards of this document).

- c) **Accommodation Online Conduct Training** – The student will be required to complete an online course on Moodle which covers the behavioural expectations in halls. Failure to complete this by the given deadline will result in the referral of the case to the Student Conduct Procedure. This outcome may accompany a Written Warning or Final Written Warning.
- d) **A referral of the case to the Student Conduct Procedure** – This will usually be given for misconduct following the issuance of the 'Final Written Warning' or requirement to complete the 'Accommodation Online Conduct Training', although the AO or nominee may decide to issue this immediately for more serious misconduct.

3.3. Students will be informed of such outcomes by the AO (or nominee) in a letter sent by email. The letter will include the following information:

- The outcome.
- The misconduct the outcome has been given for.
- Which section of the Terms and Conditions or Student Code of Conduct has been breached.
- An attached copy of the Terms and Conditions and/or Student Code of Conduct (whichever has been referred to).
- An attached copy of the Student Conduct Policy and Procedure documents.
- The student's right to appeal and how to appeal.

4. Investigation

Determination of Correct Procedure

- 4.1. When the Student Casework Team receives a report of potential misconduct, an assessment will be made on which University procedure is appropriate for the case. This may involve referring the case to *Fitness to Practise*, *Support to Study* or other relevant procedures as appropriate. In all cases students will be informed of which procedure is being used for their case in communications from the University.
- 4.2. Most cases will be referred to the correct University procedure immediately upon an initial assessment of the case. However, there may be some instances where further investigation and information may mean that there is a need to move a case from one procedure to another at a later point. The University reserves the right to refer a case from this procedure to another at any point as it deems appropriate. Students will always be made aware which procedure the University is acting under.

- 4.3. Referral to another procedure does not mean that the case must now be reviewed from the beginning of the new procedure. For instance, if the procedure has an investigation stage comparable to this procedure, that part of the new procedure may be considered complete, and the case taken straight to later stages of the new procedure.

The Investigation

- 4.4. Once it has been determined that a case should be taken through the Student Conduct Procedure, the Student Casework team will open an investigation. This may include holding meetings with the student(s) accused of misconduct, witnesses and other staff and students as necessary. At this stage evidence and relevant documentation will be collated and reviewed by the Student Casework Team.
- 4.5. In many cases, the student(s) accused of misconduct will be required to attend an investigative meeting with a member of staff to discuss the allegations. Such meetings provide the student(s) the opportunity to explain their perspective on the allegation. Students have a right to be accompanied by a supporter in such meetings (3.8 of the Student Conduct Policy), who may be a member of staff (such as their personal tutor or a member of student support), or friend or family member. The supporter should not have had any involvement in the case under review and may be asked to leave the meeting if this is the case.
- 4.6. Investigative meetings will usually be comprised of the student(s) accused of misconduct explaining their perspective and providing any evidence/documentation that may support their case and the staff member leading the meeting asking relevant questions to collect further information. In some cases, the student(s) may be required to attend more than one meeting.
- 4.7. Students will be given reasonable notice of any investigative meetings. However, if after a reasonable attempt has been made by the University to contact the student regarding the meeting, and the student has not responded or attended meetings, the student will lose their opportunity to attend, and the case can be taken forward and outcomes given without an investigative meeting being held. In such cases, the progression or outcome of the case will be determined based on the information and evidence available.
- 4.8. Following the investigation, the student will be informed of one of the following:
- No action, the case is currently dismissed. However, students should be aware that cases can be reopened should new evidence come to light.
 - A Level 1 outcome will be given to the student by the investigating staff member in accordance with 5.1 and 5.3.
 - The case is referred to 'Level 2 – Moderate' and a Student Conduct Panel hearing will take place to assess the case.
 - The case is referred to 'Level 3 – Serious' and a Student Conduct Panel hearing will take place to assess the case. At Stage 3 the SCP has the power to permanently withdraw the student from the University.

5. Level 1 - Minor

5.1. Under Level 1, the member of staff who investigated the case (or appropriate nominee) will issue an outcome to the student based on the evidence from the investigation. To issue a Level 1 outcome, the staff member must have either met with the student(s) to host an investigative meeting or made a reasonable attempt to arrange such a meeting.

5.2. Use of the term 'Minor' should not diminish the significance of misconduct addressed at this level, as the term simply signifies the misconduct as less significant than that addressed at Level 2 or 3.

Examples of Minor misconduct may include, noise disturbance, breaches of health and safety regulations, inappropriate behaviour in teaching sessions, smoking or vaping inappropriately and other such misconduct as decided by the University.

5.3. At Level 1, one or more of the following outcomes can be implemented by the member of staff:

- a) a verbal warning
- b) a written warning which will expire after 1 calendar year.
- c) a requirement to write an apology letter to the party negatively affected by the misconduct.
- d) a requirement to complete an educational course.
- e) financial restitution for any damage caused.
- f) a requirement to read a specific policy or document.
- g) a requirement to produce a reflective piece on the misconduct.
- h) a referral of the case to another University policy or procedure as appropriate

5.4. Level 1 outcomes can be appealed through an online form within 10 working days of the outcome being issued. The Director of Academic Quality and University Registrar (or nominee) will respond to the appeal and will either 'dismiss', 'uphold' or 'uphold in part'. Where the appeal is 'upheld in part', the DAQ may adjust the outcome in response. The outcome of the appeal will also be sent to the student within 10 working days.

5.5. In considering the appeal the DAQ (or nominee) will consider the criteria as is outlined in 9.7 of this procedure.

6. Level 2 – Moderate

- 6.1. At Level 2, the case is immediately referred to a Student Conduct Panel hearing. The SCP consists of three members of staff who will review the evidence available. The student will be invited to attend the SCP to make their case. For more information on Student Conduct Panels, please see section 8 of this procedure.
- 6.2. Examples of Moderate misconduct may include significant health and safety breaches, damages, some drug offences, minor misconduct with aggravating factors and other such misconduct as decided by the University.
- 6.3. Level 2 outcomes can be appealed in accordance with 9.2 of this procedure.

7. Level 3 – Serious

- 7.1. At Level 3 a Student Conduct Panel hearing will be convened as at Level 2. However, at Level 3, due to the severity of the alleged offence, the Panel will consider whether the student should be permanently withdrawn from the University.
- 7.2. Examples of Serious misconduct may include harassment, bullying, serious drug offences, most criminal offences, threats to violence or harm and other such misconduct as decided by the University.
- 7.3. Level 3 outcomes can be appealed in accordance with 9.2 of this procedure.

8. The Student Conduct Panel

- 8.1. Student Conduct Panel hearings involve the student being invited in front of a Panel of three senior members of staff, led by a Panel chair. The Panel will hear the case against the student (as compiled by the Student Casework Team) and hear the student's case and perspective on the alleged misconduct. The Panel and student will have access to the same evidence and other relevant documentation. Based on the information, evidence and the hearing, the Panel will decide an outcome.

A student referred to a Student Conduct Panel can request in writing for a decision under 8.16 to be made by the appointed Chair of the Panel through executive action to expedite proceedings. This decision cannot be appealed by the student and the Chair may reject the request if they feel the Panel is necessary.

The University can also decide a case should be considered by the Chair through executive action and will notify the student as such. In this case, the student will have right of appeal.
- 8.2. The purpose of the Student Conduct Panel is threefold:
 - i. To hear the case against the student and the student's case.

- ii. To use the evidence and information available to determine whether on the balance of probabilities the student is responsible for misconduct as defined in the Student Code of Conduct.
- iii. If the student is deemed responsible for misconduct, to determine an appropriate outcome on behalf of the University and in accordance with 8.16.

Pre-Hearing

- 8.3. The student will be invited to attend the Student Conduct Panel hearing to make their case. They will be sent a letter at minimum 7 days before the Panel convenes which will include the following:
- a) The allegations against them and all evidence being made available to the Panel (evidence usually in a separate folder).
 - b) The date, time, and location of the Student Conduct Panel hearing.
 - c) The membership of the Panel – to which the student has 2 working days to make any objections known, as detailed in 8.6.
 - d) The Student Conduct Policy, Procedure and Student Code of Conduct.
 - e) Their right to present their case in the hearing and submit any evidence to the Panel beforehand in accordance with 8.8.
 - f) The student's right to be accompanied by a supporter as outlined in 3.8 of the Student Conduct Policy.
 - g) The student's right to request witnesses attend to support their case in accordance with 8.9. The student will also be informed of any witnesses invited to attend by the University.
- 8.4. The Panel will be organised by the Student Casework Team and shall be comprised of three senior members of staff, one of which shall Chair the meeting.
- 8.5. The University will endeavour to arrange Panels that represent different facets of the University community and will not choose Panel members who may have a conflict of interest in assessing the case.
- 8.6. Sensitive case information will be disclosed to Panel members 2 working days after the student is sent a letter detailing the composition of the panel. This ensures that students have opportunity to object to a Panel member should there be a potential conflict of interest before they have seen the sensitive information.
- 8.7. A senior member or the Student's Union will have right of attendance at all stages of the Panel.
- 8.8. The student has the right to submit any evidence or written statements to the Panel (studentconduct@leedstrinity.ac.uk), but they must do so at minimum 2 working days before the SCP hearing so there is sufficient time for the Panel members to review the material.

- 8.9. The student can request to have witnesses that support their case attend a specific portion of the meeting to give their account in support of the student (if the witness cannot attend, the student can ask them to submit a written statement beforehand by email to studentconduct@leedstrinity.ac.uk). The student must have informed studentconduct@leedstrinity.ac.uk 2 working days prior of any witnesses they wish to call. The student must explain the relevance of any witnesses to the case. The University may also call witnesses to speak in the SCP and will notify the student of their intention to do this as outlined in 8.3. Only the Panel can ask witnesses questions in the hearing.

The Student Conduct Panel

- 8.10. If the student does not attend the hearing despite reasonable steps being taken by the University to provide them with all the necessary information to attend, the Panel may review the case in their absence and decide an outcome based on the evidence and information available.

- 8.11. Typically, the Student Conduct Panel will be structured as below, but this may be varied by the Chair depending on the case, whether there are witnesses and how the Chair feels it is appropriate to structure the meeting:

- i. The Panel introduce themselves to the student and the Chair outlines the information highlighted in 8.12 in addition to any other information deemed necessary.
- ii. The Panel have opportunity to ask any initial questions to the student before hearing their case, based on the evidence and information they have received. The student will also have chance to ask some initial questions on the process and the information the Chair has covered.
- iii. The student is given opportunity to make their case, explain any mitigating factors, or elaborate on any statements or evidence they have submitted to the panel.
- iv. The Panel may ask any further questions of the student.
- v. The Chair will inform the student that the outcome will be sent to them within 3 working days. The student has a final opportunity to ask questions before the Chair closes the meeting.
- vi. With the student having left the meeting, the Panel deliberate and decide an appropriate outcome in accordance with 8.16.

- 8.12. At the start of the hearing the Chair will inform the student of the following:

- a) How the hearing will be structured.
- b) The purpose of the Student Conduct Panel (8.2)
- c) That the student will be entitled to a short break during the proceedings should they wish.

- d) That the student will be informed of the outcome within 3 working days.
- e) The allegations against the student and the relevant section of the *Student Code of Conduct*.

Outcomes

- 8.13. Once the hearing has finished and the student is no longer present, the Panel will decide an outcome based on available evidence and the SCP hearing. The Panel will make a reasonable and proportionate decision which will be communicated to the student in writing as soon as is practicable, and within 3 working days.
- 8.14. The Panel will decide whether the student is responsible for misconduct or not based on the 'balance of probabilities', meaning that based on the evidence available, it is more likely than not that the misconduct took place.
- 8.15. The Panel will not use any prior offences by the student to determine whether they are responsible for misconduct. They shall only use the evidence which is related to the allegation in question. However, should the Panel decide the student is responsible for the misconduct, they may consider that the student was previously found responsible for misconduct in determining which outcome is appropriate.
- 8.16. The Panel may decide upon one of, or a combination of the following actions which will be implemented by the University through executive action or other means as necessary:
 - a) Any action listed under 5.3 of this procedure.
 - b) **A fine:** Imposition of a fine not exceeding £1000.
 - c) **Suspension:** Temporary prohibition on attendance to LTU, the terms of which will be outlined to the student in the SCP outcome letter.
 - d) **Exclusion:** Complete, partial, or selective prohibition on access to Leeds Trinity facilities, potentially including termination of student's Residence Accommodation Agreement contract.
 - e) **Expulsion:** This outcome can only be considered if the Student Conduct Panel is considering an allegation considered Level 3 – Serious. The student is notified that they can no longer continue as a student at LTU and will be withdrawn from their course.
 - f) If the allegation was considered under 'Level 2 – Moderate' the Panel can recommend that the case can be reevaluated at Level 3, with Expulsion considered. This option will only be used when new information revealed in the hearing escalates the severity of alleged misconduct.
- 8.17. The decisions of the SCP are not designed to set a precedent. The SCP retains the right to vary the outcomes for cases even when their details appear similar.
- 8.18. In the letter informing the student of the decision, the reasoning for the Panel's decision will be outlined.

- 8.19. Should the allegations be upheld, the Panel should decide whether the misconduct could possibly impact any University given references for the student and refer the consideration of this to the appropriate University services.
- 8.20. The following is a table of aggravating factors that the Panel may consider in reaching an appropriate outcome:

<ul style="list-style-type: none"> • Failure to engage with the procedure, including missing meetings with no notice.
<ul style="list-style-type: none"> • Lack of contrition where the offence is admitted.
<ul style="list-style-type: none"> • Deliberate intention to cause upset or harm.
<ul style="list-style-type: none"> • Dishonesty.
<ul style="list-style-type: none"> • Rudeness and uncooperative behaviour in the hearing.
<ul style="list-style-type: none"> • Repeated offences. Especially repeating the same offence despite prior warnings.

9. Appeals

- 9.1. Appeals to outcomes given at Level 1 are submitted through an online form in accordance with 5.4.
- 9.2. Appeals for Level 2 and Level 3 are assessed by an Appeal Committee. Appeals must be made in writing to studentconduct@leedstrinity.ac.uk within 10 working days of the Student Conduct Panel outcome being issued. Appeals submitted after this time shall not be considered. The student should include any and all evidence and information that they wish to be considered by the committee in their appeal email. Students should also cite which of the criteria under 9.7 of this procedure applies to their appeal.
- 9.3. In an appeal against the decision of a Student Conduct Panel, the student should outline the grounds for their appeal. The appeal will not be considered by the Appeal Committee if the student does not provide reasoning for their appeal. The appeal may also be dismissed if the basis of the appeal is evidence which the student is unable to provide in their appeal.

The Appeal Committee

- 9.4. The Appeal Committee will be organised by the Student Casework Team and will be comprised of three senior members of staff who have had no prior involvement with the case. Once the three members of staff have been appointed, the student will be informed of who is considering their appeal.
- 9.5. The Appeal Committee is given access to all documentation from the Student Conduct Panel proceedings as well as all information included in the student's appeal.

- 9.6. Each Committee member will read and analyse the case documentation and appeal submission independently before the Committee meets to discuss the case and decide an outcome.
- 9.7. When the Committee meets, they will consider the following statements to decide whether to uphold the appeal. Decisions made for Level 1 appeals will also be based on these criteria. The appeal will only be upheld, or upheld in part, if the Committee deems one or more of the following statements to be true:
- a) The offence that the student has been found responsible for is not an offence under the Student Code of Conduct or any other relevant University Policy, or it is not reasonable to consider it misconduct.
 - b) The case has not been handled in compliance with the *Student Conduct Policy* and *Student Conduct Procedure* to an extent where it could be considered that the student's ability to receive a fair and just hearing or decision has been affected.
 - c) New and relevant evidence which provides grounds to alter the decision has been put forward as part of the appeal which was not previously considered.
 - d) The evidence and information, including any mitigating factors considered, were not considered in a fair and reasonable manner, or were ignored entirely.
 - e) The outcome given is not proportionate to the severity of the offence.
- 9.8. Having considered the statements outlined in 9.7, the Committee shall then issue one of the following outcomes (usually within 15 working days of the appeal submission):
- a) **The appeal is upheld in its entirety:** the decision of the Student Conduct Panel is dismissed with no further action to be taken.
 - b) **The appeal is upheld in part:** the Student Conduct Panel were right to have found the student responsible for misconduct, however, the appeal has merit and there is a need to alter the decision of the Student Conduct Panel.
 - c) **The appeal is dismissed:** the Committee finds none of the statements from 9.7 to be true and there is no reason to change the decision made by the Student Conduct Panel.
 - d) **More information required:** the Committee may decide that there is a need to hold a meeting with the student to ask some further questions regarding the information in the appeal and allow them opportunity to give further explanation.
- 9.9. Where d) is the outcome, the student will be sent a letter inviting them to attend a meeting with the Committee to answer some of their questions and provide further information. The student will be given reasonable notice of the meeting.
- If the student does not attend the meeting despite reasonable steps being taken by the University to provide them with all the necessary information to attend, the Committee will decide the appeal in their absence based on the information available.

- 9.10. Once the additional meeting with the student is complete, the Committee will select an outcome from 9.8 a), b) or c).

10. Case Closure

- 10.1. Alongside the receipt of the appeal outcome, the student will also receive a 'Completion of Procedures' letter.
- 10.2. If, on completion of procedures at the end of the appeals stage a student wishes to seek an independent external review, then the student should apply to the 'Office of the Independent Adjudicator' (OIA) within twelve months of the date of the 'Completion of Procedures' letter.
- 10.3. Information on how to submit an application to the OIA will be included in the completion of procedures letter.