



University of  
**Salford**  
MANCHESTER

**Student Misconduct Procedure (previously Student Disciplinary Procedure)**

**Version Number 4.0.**

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**Author: Assistant Quality and Enhancement Manager**

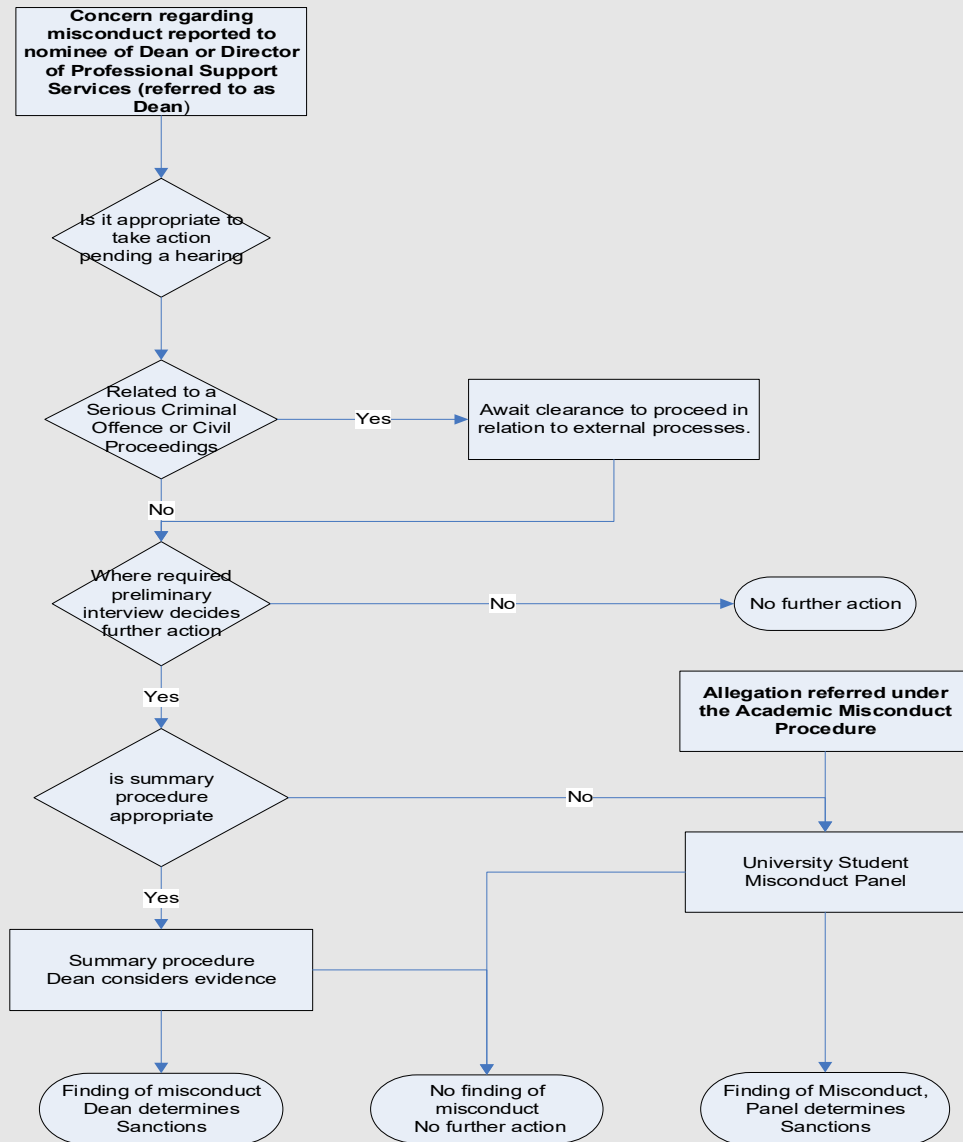
**Quality and Enhancement Office.**

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1.0 Flowchart for the Student Misconduct Procedure.



## **2.0 Policy Statement:**

### **2.1 Purpose.**

2.1.1 The Student Misconduct Procedure is intended to provide a clearly formulated and impartial process for dealing with allegations relating to student conduct or behaviour within a reasonable timescale having due regard to the spirit of natural justice. A flow chart setting out the possible stages of the Student Misconduct Procedure is set out in section 1 above.

### **2.2 Scope.**

2.2.1 The procedure is for University use. The procedure may be initiated in response to reports from staff, other students or third parties. Once a case is being considered it is a matter between the University and the student(s) concerned, that is the students the concerns are raised about. The procedure is not used to resolve third party concerns or matters that would be more appropriately dealt with through other channels (e.g. criminal or civil courts). In certain instances a case subject to criminal/civil proceedings may also be considered under the Procedure.

2.2.2 The procedure applies to all students registered on University of Salford awards and/or studying at the University of Salford. Where an award is delivered at a partner institution then concerns about non-academic misconduct will usually follow the partner's procedures. Specific arrangements maybe specified within the partnership agreement.

2.2.3 Where the student is also a member of staff, guidance should be sought from the Human Resources Division and Quality and Enhancement Office (QEO) as to whether any allegation might be considered under a separate specific procedure, or an agreed amended procedure; for example a procedure maybe paused whilst another is completed, the constitution of a Panel hearing may be amended.

2.2.4 Where the procedure refers to 'Dean' it shall be taken also to refer to the Dean's nominee, a Director of Professional Support Services (or nominee), a member of the Vice Chancellor's Executive Team or the Dean of Students.

2.2.5 Cases that give rise to significant concerns for the University's reputation will not be dealt with by any staff whose area of responsibility includes public relations, communications or similar matters.

### **2.3 Graduation and award.**

2.3.1 A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still in the process of being dealt with under this procedure.

### **2.4 Interruption of Study and withdrawal.**

2.4.1 Where a student is on an interruption of study or suspended from the University, normally any formal hearing of a case will be postponed until the interruption or suspension is completed. However, if the case is deemed serious by the Dean or if the student concerned requests it, the University reserves the right to continue with the procedure. Cases relating to sexual misconduct harassment will not normally be postponed in such circumstances.

2.4.2 Where a student withdraws once the procedure has been initiated, the University may choose to continue to hear a case. Should the University choose not to proceed with a case a note will be placed on the student file and the case re-activated should the student re-apply to the University.

### **2.5 Partner institutions/Collaborative provision.**

2.5.1 Where a student is studying for University credit or award at a partner institution then normally the equivalent procedure for that institution will be followed. However, the University reserves the right to take action under its own procedures where the allegations relate to detriment to any

member of student, member of staff or third party (for example allegations relating to sexual misconduct/harassment) or where they may have a significant impact on the academic integrity or reputation of the University.

## 2.6 Misconduct

- 2.6.1 Any student studying or registered at the University shall be subject to misconduct measures if the student is suspected to have committed an act of misconduct. The essence of misconduct under this procedure is that it:
- i) obstructs, frustrates or disrupts the functioning or activities of the University, or of those who work or study at the University;
  - ii) causes detriment or any serious physical or emotional harm to any student, member of staff or other third party
  - iii) otherwise damages the University or its reputation, whether this takes place on campus or off campus.
- 2.6.2 The Student Code of Conduct and Appendix A of this procedure provide indicative examples of what shall constitute misconduct, whether occurring on University premises or elsewhere, including in the virtual environment such as social networking or other virtual spaces.  
<https://www.salford.ac.uk/sites/default/files/2020-07/StudentCodeOfConduct.pdf>.
- 2.6.3 The University may, at its discretion, bring forward independent evidence, commissioned from sources other than the University, including on the potential impact of allegations upon the University's reputation.
- 2.6.4 The University shall normally report any suspected criminal offence to the Police. However, if a person claims to be the victim of an offence committed by a student, but does not wish the Police to be involved, the Dean may agree not to report the matter.

## 2.7 Supporters, Representatives and Witnesses.

- 2.7.1 Students can be accompanied by one person at all meetings and hearings arranged through one of the University's student facing procedures. This person can either be a 'supporter' or a 'representative'.
- 2.7.2 Where a representative/supporter is attending a hearing with or on the student's behalf:
- a) the representative must not be someone who has been suspended or excluded from the University for any reason;
  - b) the student must provide the name of the representative/supporter to the University, via the Secretary, at least 24 hours prior to the hearing;
  - c) it is the students responsibility to provide the representative/supporter with all relevant information and notification of meetings. The University is unable to cover any costs incurred by supporters, representatives or witnesses.

### Supporter.

- 2.7.3 A supporter can take notes, offer the student support and guidance, but cannot make representations or ask questions on behalf of the student.

### Representative.

- 2.7.4 A representative may make representations or ask questions on behalf of the student (although the student may be asked to directly answer some questions), can take notes and offer the student support and guidance.
- 2.7.5 Information about legal representation is set out below.

2.7.6 Where a representative is attending a hearing on the student's behalf the hearing will only be required to consider the representations which are made by the representative on the student's behalf at the hearing and not necessarily any written or oral representations which the student may make before or at that hearing.

### **Witnesses.**

2.7.7 Witnesses can be requested to attend to give evidence in person. Advance notification of witnesses must be provided (ten working days for those called by the University, five working days for those called by the student).

2.7.8 Witnesses are normally only called for formal hearings and only into a meeting for part of the hearing. Witnesses will be normally invited to make a short oral statement on the specific matter(s) they are called for, and then answer questions.

2.7.9 In some instances, a witness may attend only to make a statement, but not to answer questions. This would only happen in cases where there is an acknowledged need to avoid the possibility of a vulnerable witness being 'cross-examined'.

2.7.10 In some cases, such as where there is a formal investigation or academic misconduct on a Postgraduate research (PgR) programme then the Investigator or PgR Supervisor will be invited to be in attendance for the whole hearing, as well as possibly appearing as a witness.

2.7.11 Witnesses may attend hearings virtually. Witnesses may also request to appear behind a screen. Such requests should normally be made at the time of notification of the witness to the hearing.

2.7.12 Witnesses may also request to be supported by one individual at the hearing. This individual must be identified by name at least 24 hours prior to the hearing and will be present for support only and may not participate in the hearing. They must not be directly involved in the matters under consideration of the hearing. Where there is need for clarity whether a person identified to offer support is eligible to attend then the Dean/Chair of Panel will make the final decision.

2.7.13 The Dean or student may submit a witness' written statement in evidence as part of the evidence submitted to a hearing.

2.7.14 Witnesses are normally only called to attend where they have direct information relating to the allegations under consideration. Witnesses to a student's general conduct and character would not be expected to attend hearings, such statements being provided in writing as part of the written submission.

## **2.8 Legal Representation.**

2.8.1 There is no automatic right for a student to have legal representation at meetings and legal representation is only allowed for certain meetings or hearings where the student has been granted permission as set out below in the guidance on QEO webpages <https://beta.salford.ac.uk/sites/default/files/2020-07/Legal-Representation.pdf>.

2.8.2 Legal Representation will not normally be approved for School level hearings.

## **2.9 Student and other key party ill-health.**

2.9.1 At all stages of this procedure exceptionally circumstances may arise, such as serious and significant illness, which if evidenced by the student would permit adjournment, suspension or termination of proceedings. Where such circumstances are not suitably evidenced those dealing with the allegation, at whatever stage, shall consider it in absence.

2.9.2 Where a witness, whose involvement is central to the case, and the concerns raised are considered serious the University may pause the process or postpone further consideration in order to allow them to be able to participate, for example to allow an alleged victim of sexual violence/harassment to be able to provide a statement.

**2.10 Attendance at Meetings and Hearings.**

- 2.10.1 Students are expected to make every effort to attend hearings and meetings scheduled under this procedure.
- 2.10.2 If, for good reason, a student is unable to attend a meeting or hearing under the procedure, then they may request permission from the University for the student's representative to attend in their place (see Section 2.7)
- 2.10.3 Where the student, or a witness, can evidence good cause for being unable to attend a scheduled date, a hearing may be postponed at the discretion of the Dean/Chair of the Panel where a request is provided in good time prior to the hearing.
- 2.10.4 Where a hearing is not being held virtually a student may request to attend the hearing via "video conference". In such cases the student must make the request in writing as soon as possible and at least 5 working days prior to the hearing. The student is responsible for ensuring that they have access to appropriate technology.

**2.11 Consideration in absence.**

- 2.11.1 Where arrangements have been made for representation (see 2.7), or where the student submits written request for a hearing to be considered via documentary evidence, the Dean/Chair of the Panel may agree that a hearing may proceed without the student in attendance.
- 2.11.2 If a student is unable to attend any meeting or hearing under this procedure, or fails to engage with the procedure, the Dean/Chair of the Panel may agree that the allegation be considered in the student's absence on the basis of the evidence available at the time of the meeting or hearing.

**2.12 Impact statement.**

- 2.12.1 All parties, in particular those who report allegations of misconduct, but also those who are subject to allegations as well as those who may have witnessed the alleged misconduct, may submit impact statements to be considered by the Panel. These statements should be concise and concentrate on the impact of the misconduct on the individual concerned. They should not report or speculate on the impact on others. They must not set out expectations of actions to be taken by the University.
- 2.12.2 Impact statements may be used, alongside the procedure, guidance and other evidence in identifying appropriate sanctions. Records of hearings should record when such impact statements have had an impact on the sanction(s) identified.

**2.13 Covert recordings as evidence.**

- 2.13.1 The University will not normally accept the use of covert audio or video recordings (recordings made without the knowledge of another individual) as evidence to support a case.

**2.14 Verification of submitted evidence.**

- 2.14.1 Where evidence related to third parties is submitted in evidence (including GP letters, hospital communications etc) the University reserves the right to seek to confirm the authenticity of the evidence including, but not restricted to, contacting those third parties named.

**2.15 Consideration through more than one procedure/double jeopardy.**

- 2.15.1 A decision under this procedure may inform a decision on whether any further action need be taken through another procedure, for example the Fitness to Practise (FtP) Procedure. However, for the avoidance of double jeopardy, the University will not consider the same specific case through two separate procedures. For example, in a case referred to FtP the 'act of misconduct'



would not be reconsidered under that procedure, but the professional implications of the decision under this procedure could be reviewed.

- 2.15.2 Where it becomes apparent that a case originally raised as a case of suspected misconduct and considered through this procedure may actually relate to potential breaches of another procedure, a case may then be raised under the alternative procedure. In doing this the Dean (or nominee) should liaise with the relevant member of staff nominated by the Dean for that procedure, and the student be informed in writing of any change. Guidance on this is available from QEO.

### **3.0 Audio Recording.**

- 3.1.1 The audio recording of meetings and hearings held under this procedure is prohibited, subject to such reasonable adjustment as may be agreed by the University where required to comply with the Equality Act 2010.
- 3.1.2 Where reasonable adjustments have been agreed, the student is asked to inform the Secretary, or other member of staff arranging a meeting as early as possible, at least five working days prior to the hearing/meeting to allow the University to ensure suitable facilities are available.

### **4.0 Burden and Standard of Proof.**

- 4.1.1 The burden is on the University to prove the allegation(s) of misconduct by the student.
- 4.1.2 In deciding whether the student has committed the misconduct, the standard of proof to be used shall be 'the balance of probabilities', that is, on the evidence, the student is more likely than not to have committed the misconduct.

### **5.0 Data Management.**

- 5.1.1 All processing of personal data is undertaken in accordance with all applicable data protection legislation. This applies to all parties involved in the process, including the student who may be responding to allegations, that is where evidence contains data or personal information of third parties, they may not share that information except as required by the Procedure and allowed under the legislation.
- 5.1.2 Where an allegation relates to possible criminal activity, the University may share information with police as set out in the relevant information sharing agreement.
- 5.1.3 Where appropriate, findings and sanctions imposed may be referred to in references which are requested for students, normally this would only be the most severe of cases, for example, but not limited to, where the University imposed sanctions suspension or expulsion.
- 5.1.4 Where a third party, who is a member of the University (staff or student), has been involved in a case as a victim of the alleged incident, the University may, on request, provide information on whether the case is being considered, and the outcome of any misconduct hearing. Where the third party is external to the University, the University would not normally provide information with regards to specific cases but may exceptionally do so where the information could potentially impact on the wellbeing of the third party. A written record of all such instances, with grounds for disclosure, should be kept.
- 5.1.5 A student who is to be suspended or subject to other 'action pending' under this procedure or who will be subject to the sanction of suspension or expulsion shall be reported to the Quality and Enhancement Office, Student Experience and Support, Security and to the Chief Executive of the Students' Union. Schools should ensure that any other staff within the school who need to be informed of these actions are informed. Only the required information should be shared.
- 5.1.6 Where there is a contract/agreement with a student's employer/sponsor which requires notification, the University may also notify such bodies as required.

## **6.0 Implications for international students.**

6.1.1 A student studying on a visa who is to be suspended as 'action pending' or who will be subject to the sanction of suspension or expulsion shall be reported to the University's Home Office Compliance Team for further advice and guidance on the implications for their immigration status and leave to remain in the UK. Once this has been considered, and if the decision to suspend or expel is maintained, the Home Office Compliance Team will report this, as appropriate, to the Home Office (UK Visas & Immigration).

## **7.0 Advice and Support.**

7.1.1 QEO is responsible for administration of the procedure and general enquiries about the procedure can be made by e-mail to [studentconduct@salford.ac.uk](mailto:studentconduct@salford.ac.uk).

7.1.2 All staff with formal roles under the procedure must have completed relevant staff development training.

7.1.3 Individual independent advice to students is available from the Students' Union 0161 351 5400 or email [advicecentre-ussu@salford.ac.uk](mailto:advicecentre-ussu@salford.ac.uk), see USSU website <http://www.salfordstudents.com>.

7.1.4 Support for all students is available via Counselling and Wellbeing and askUS, there is specific support available for those who are victims of serious misconduct including sexual violence/harassment.

## **8.0 Related Documentation.**

8.1.1 The following documents can be found on the University web pages <https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures>:

- Student Academic Integrity Policy and Academic Misconduct Procedure,
- Applicant and Student Criminal Conviction Policy and Procedure,
- Fitness to Practise Procedure,
- Fitness to Study Procedure,
- Risk, Review and Response,
- Student Charter and Student Code of Conduct.

8.1.2 Supporting documentation is available via the student facing procedures website <https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures> and the staff hub <https://testlivesalfordac.sharepoint.com/sites/QEO/SitePages/StudentFacingPolicies.aspx>.

**9.0 Procedure.****9.1 Misconduct that is also a Criminal Offence or is subject to Civil Proceedings.**

- 9.1.1 The following procedures apply where the alleged misconduct is reported to the Dean (or equivalent) and the misconduct is, or is likely to be, subject to any police action, criminal proceedings and/or civil proceedings, including action by a relevant Professional, Statutory or Regulatory Body (PSRB).
- 9.1.2 The Dean may at any stage defer (either completely or partially) the taking of any action under this procedure in relation to the student's misconduct until the external action against the student have been concluded. The Dean shall notify the student where it is decided to defer under this provision. The Dean will also review whether it is appropriate to notify other parties, such as any alleged victim, of any delay. In most serious cases, for example those relating to sexual violence/misconduct this would be expected to occur.
- 9.1.3 The Dean must ensure in cases arising which involve action by an external organisation against a student of the University that the Quality and Enhancement Office (QEO) is informed at the earliest opportunity.
- 9.1.4 In cases where the allegation concerns the most serious misconduct (for example sexual violence), the University will arrange for an appropriate member of staff to be identified to act as a key contact for the student under investigation (respondent) and, where an alleged victim is a student of the University, to support the alleged victim (normally different members of staff from the School). All parties who are students of the University will also be directed to support offered by askUS, including the Counselling and Wellbeing Service.
- 9.1.5 The University may rely upon any finding of guilt or liability made against the student in any criminal and/or civil proceedings for the purposes of taking action against the student for misconduct under this Procedure but only if and to the extent that the finding relates to that misconduct.
- 9.1.6 Where a student has been sentenced by a criminal court in respect of misconduct, the sentence imposed shall be taken into consideration when determining any sanction for that misconduct under this procedure.
- 9.1.7 Where a student has been convicted and a custodial sentence has been imposed in the UK the Dean may submit an application to withdraw that student's registration. The Quality and Enhancement Office shall receive these applications and forward a recommendation to the Director of Quality, Enhancement and Governance or nominee for action. As a guide, where a sentence is a year or more then withdrawal would be expected but the final decision rests with the Director of Quality, Enhancement and Governance or nominee on the recommendation of the Dean.

**9.2 Initiation of the Student Misconduct Procedure.**

- 9.2.1 The Dean shall make a decision whether or not to initiate the procedure when they receive a formal report of alleged misconduct. Where it is decided there is a possible concern to be addressed it is the responsibility of the Dean to notify the student in writing of the nature of the alleged misconduct reported.
- 9.2.2 Where the report is made to QEO, AskUS, via Report+Support or other office of the University these offices will ensure the matter is referred to the relevant School.
- 9.2.3 The Dean shall, normally within 5 working days of the referral being notified to the student, decide one or more of the following:
- a. no further action is required;

- b. to request further information/clarification;
- c. to hold a preliminary meeting with the student to review the concerns raised;
- d. refer to another procedure;
- e. the matter is appropriate for consideration under the procedure;
- f. the allegations are potentially complex, and there is a need for an extended evidence gathering process (investigation).

### **9.3 Referral of cases under the Academic Misconduct Procedure.**

9.3.1 Where the allegation arises from consideration under the Academic Misconduct Procedure ('most serious' cases of academic misconduct), there is no requirement to hold a preliminary interview or further investigation, and cases may be referred direct to the Student Misconduct Panel by a School Academic Misconduct Officer (AMO) except where there were concerns the academic misconduct are linked to other forms of alleged misconduct (for example harassment, coercion, theft, fraud) in which case this aspect must be referred via the Dean under this procedure to allow consideration of the most appropriate route forward.

### **9.4 Action Pending a Hearing.**

- 9.4.1 A student who is the subject of an allegation of misconduct may be subject to specific requirements as set by the Dean (or in cases deemed to be urgent by a nominee of the Vice Chancellor from amongst the membership of the senior leadership) pending a misconduct hearing and, if applicable, any subsequent appeal. Such action is reserved for cases of serious misconduct and may be made with or without any reasonable conditions (as determined by the Dean).
- 9.4.2 When imposing any requirements under this section the member of staff making the decision should do so on the basis of risk to other students, staff, or the University or other identified people and/or organisations (for example those related to a placement or field trip). Advice on making a risk assessment can be obtained from the Student Experience and Support (SES) and QEO.
- 9.4.3 Action pending a hearing is a neutral act in the context of the eventual determination of whether an allegation is found to be proven or not proven. Its purpose may be, for example:
- to ensure that potential witnesses or other evidence are not subject to interference;
  - to avoid any repetition of the circumstances which led to an allegation;
  - to ensure the safety and wellbeing of the University community, including the student against whom an allegation has been made, as well as the alleged victim.
- 9.4.4 Written reasons for the decision to suspend shall be recorded by the Dean and sent to the student, copied to QEO.
- 9.4.5 Action pending a hearing may include one or more of:
- whole or partial prohibition from entering all or specific University premises,
  - prohibition on approaching, contacting (in person, by telephone, email, social media or other means), or having cause for a third party to approach or contact named individuals,
  - prohibition from participating in specific University activities, including exercising their functions or duties of any office or committee membership in the University,
  - withdrawal of the student's access to IT facilities.

- 9.4.6 Action pending may be subject to further qualification, such as permission to take an examination, submit an assignment, engage with agreed support mechanisms.
- 9.4.7 A Director of Professional Support Services considering action pending a hearing must consult the student's Dean on the potential impact upon the student's studies.
- 9.4.8 A student subject to such action should seek guidance from their School on how they might nevertheless best continue their studies.
- 9.4.9 The terms of the action shall be notified in writing to the student.
- 9.4.10 Other parties, such as alleged victims and witnesses maybe informed of action pending where it is of direct interest for them to be informed, for example in cases of sexual violence/harassment it would be expected for the alleged victim to be informed of any restriction relating to attendance on campus, approaching named individuals etc.
- 9.4.11 In cases deemed to be urgent, particularly if the safety or welfare of others is perceived to be at risk, such actions may be imposed with immediate effect and before the student being given the opportunity to make representations. In this instance, the student or their representative shall be permitted to put forward representations at the earliest possible opportunity. (The University may also consider such matters under Risk, Review and Response policy and procedure.)
- 9.4.12 The relevant School must keep all such actions under review and at a minimum this should be done, recorded and notified to the student before the start of each Trimester.
- 9.4.13 A student wishing to instigate a review of any action pending due to significant altered circumstances can do so at any point during the period the action is imposed via a written request submitted through QEO [studentconduct@salford.ac.uk](mailto:studentconduct@salford.ac.uk). Such a request should provide appropriate supporting evidence of relevant significantly altered circumstances.
- 9.4.14 On the advice of the Director of Quality, Enhancement and Governance or nominee, the Vice-Chancellor or another senior leader in the University shall review the action on receipt of evidence from the student of significantly altered circumstances, which might affect the order. That review shall be serviced by an officer of QEO.
- 9.4.15 In the interests of the student and University to expedite the procedure, the Dean may conduct a hearing in relation to possible action pending and a preliminary interview at the same meeting.
- 9.4.16 Where a student is subject to action pending a hearing, but the hearing (and, if applicable, any subsequent appeal) is delayed because of the decision of the Dean to defer action under paragraph 9.1, it should be noted that the conditions of the action may last for a longer period.
- 9.4.17 Where a student is subject to action pending a hearing relating to allegations of behaviour that are considered to possess a potential threat to the wellbeing or safety of others then QEO will inform Security, Student Experience and Support, the Students' Union and other relevant departments (for example the Library) as required.
- 9.4.18 Where a student is studying on a visa, discussions should be held with the University's Home Office Compliance Team at the earliest opportunity to confirm any potential impact on the student's visa.

## **9.5 Investigation.**

- 9.5.1 Where the decision is that the matter will be subject to an investigation the Dean will nominate a suitable member of staff not directly involved in the details of the case to undertake the investigation (this could be themselves).
- 9.5.2 QEO will provide guidance for staff completing investigations. The investigation shall be concluded as soon as is reasonably practicable and every effort made to conclude within 30 working days of the initiation of the investigation. However, where extensive interviews are

required, and particularly where they involve individuals outside the University, or evidence is required from a third party this may extend the timescale of the investigation. The student must be informed of any significant delays.

- 9.5.3 The role of the investigator is not to 'build a case', but to gather relevant information regarding the allegations being considered.
- 9.5.4 When the investigation is complete, the investigator shall prepare a report for the Dean using the University template  
<https://testlivesalfordac.sharepoint.com/sites/QEO/SitePages/StudentFacingPolicies.aspx>.
- 9.5.5 The investigator will normally include a recommendation that:
- there is no case to answer and that no further action should be taken;
  - the information indicates that there is potentially a case to answer;

They may also note whether:

- there is a need to refer the student for a medical assessment or to refer to the Wellbeing Team and/or Occupational Health;
- named individuals to be considered as witnesses should a case be referred to a formal hearing.

## **9.6 Dean of School review.**

- 9.6.1 The Dean will review the investigator's findings (report and appendices).
- 9.6.2 The Dean may dismiss the allegations immediately if the Dean believes that there is no case for the student to answer, or if there is another reason to do so. The reasons for this decision must be recorded in the notification sent to the student.
- 9.6.3 Where further action is to be taken the Dean shall take one of the following actions:
- refer the matter to another procedure;
  - refer the case for further consideration at a School Hearing;
  - refer the case for further consideration by a Student Misconduct Panel;
  - refer the student to the Wellbeing Team and/or Occupational Health prior to a decision (a, b or c) under the procedure.
- 9.6.4 The Dean shall normally within 5 working days of receipt of the report write to the student, copied to QEO, informing the student of the outcome of the investigation, providing a brief explanation for the decision made.
- 9.6.5 Where there is a recommendation for referral to the Wellbeing Team and/or Occupational Health, the Dean will confirm this in writing to the student setting an appropriate deadline for the completion of this referral. Following receipt of the outcome from such a referral, the Dean will review the case again and decide whether further action under the procedure is required. Should the student, without good reason, fail to engage with a referral to the Wellbeing Team and/or Occupational Health then the University may continue the process without the student's input. This failure to engage may be reported and considered at later stages of the procedure.
- 9.6.6 The Dean's response and the full investigation findings (report and appendices where applicable) will be submitted to the student and copied to QEO.

## **9.7 School hearing.**

- 9.7.1 If the Dean considers it appropriate to do so the matter may be dealt with at a school hearing, normally held within between 10 and 20 working days after the initial decision or preliminary



interview (unless the student agrees in writing that a shorter period is acceptable). In reaching a decision on whether the matter should be dealt with summarily, the Dean shall consider the nature of the allegation and whether the sanctions available in the event of a decision that an act of misconduct has occurred would in the Dean's view be sufficient. The Dean shall issue notice to all parties in writing accordingly.

- 9.7.2 Another member of School staff (or a member of staff appointed by the Director of Quality, Enhancement and Governance) shall also be present and shall advise the Dean on procedure and process and keep a brief record of the proceedings.
- 9.7.3 If the matter is dealt with at a school hearing, the Dean shall consider written or oral evidence as they think fit. The Dean shall find the student had committed an act of misconduct only if, on the available evidence, the Dean is satisfied, on the balance of probabilities, of the occurrence of misconduct.
- 9.7.4 If the Dean finds the student committed an act of misconduct, the Dean may impose any of the sanctions set out at Section 9.13 of this procedure other than g) suspension up to a maximum of up to twelve months; h) withdraw a past award or academic credit; or i) expulsion from the University.
- 9.7.5 A Director of Professional Support Services considering a sanction must consult the student's Dean of School or nominee where there is likely to be a significant impact upon the student's studies of a sanction imposed.
- 9.7.6 The Dean shall write to the student confirming the outcome within five working days of the hearing.
- 9.7.7 Where the hearing finds the student had committed an act of misconduct, the outcome letter shall set out the alleged misconduct, a brief summary of evidence received, the grounds for the decision that an act of misconduct had occurred, the sanction imposed, and the factors taken into account in deciding the sanction.
- 9.7.8 A copy of the record of the proceedings and the outcome letter to the student shall be copied to QEO when issued to the student.
- 9.7.9 The Dean will refer the matter to the Student Misconduct Panel under the procedure set out in paragraph 9.8 below where the Dean does not consider it appropriate to deal with the matter at school level. Cases involving 'most serious' allegations should not be considered through school level hearings, for example cases relating to allegations of sexual violence/harassment would be expected to be considered at a University hearing.
- 9.7.10 There is a right of appeal against both a decision that an act of misconduct had occurred and any sanction imposed by a school hearing as set out in paragraph 9.16.

## **9.8 Student Misconduct Panel – Referral and constitution.**

- 9.8.1 If a matter is to be referred to the Student Misconduct Panel, the Dean shall notify QEO. QEO will notify the student in writing of the referral of the alleged misconduct and of the arrangements for further consideration of the student's case.
- 9.8.2 The matter shall usually be considered at the next scheduled meeting of the Student Misconduct Panel where there is capacity.
- 9.8.3 The student shall be given a minimum of 10 working days' notice before the meeting of the Panel.
- 9.8.4 If there are a series of related alleged misconducts involving one or more students, the University may deal with all the allegations at one hearing.

9.8.5 Membership of the Panel shall be drawn from a pool of staff members nominated by Deans of schools and nominees of the Students' Union. Different staff will be involved in offering guidance to students than those serving as Panel members or as members of the Appeal Panel. Each meeting of the Panel shall comprise two staff members, one of whom shall be Chair, and one nominee of the Students' Union. Staff Panel members shall be drawn from outside the student's School. An officer of QEO shall act as Secretary but shall not constitute a member of the Panel or take part in the decision making.

9.8.6 The Dean or nominee shall attend to present the case.

9.8.7 Where there has been a formal investigation, the investigator will normally be in attendance at the meeting at the same points as the student and the Dean, and may be called by the Panel to act as a witness at any point during these sections of the hearing.

9.8.8 Where cases involve a postgraduate research student the student's supervisor will normally be invited to be in attendance, and may act as a witness.

### **9.9 Student Misconduct Panel – submission of documentation and call for witnesses.**

9.9.1 The Dean will set out the allegation(s) in full, with supporting evidence, and name witnesses, if any, to be called, in advance of the hearing. A copy shall be sent to the student at least 10 working days before the hearing.

9.9.2 The Dean and the student may call witnesses. The University must notify the student of any witnesses called at least 10 working days before the hearing. A student must notify the University of any witnesses they intend to call at least 5 working days before the hearing.

9.9.3 The student may submit their response in writing no later than 5 working days before the hearing. This response to the allegations would be expected to outline the basis of their defence against the allegations and name witnesses, if any, who are to provide evidence in writing or who are to be called to attend the hearing. All evidence from the student must be submitted no later than 5 working days before the hearing.

9.9.4 The Secretary of the Panel may also call for witness statements in support of the allegation in advance of the hearing. If such statements are requested they are required to be submitted to QEO at least 5 working days before the allegation is heard. Such statements shall be circulated to all parties in advance of the hearing.

### **9.10 Student Misconduct Panel – Order of proceedings.**

9.10.1 The Order of Proceedings shall normally be as follows:

- i) Introduction of those present, outline of procedure;
- ii) Student invited to declare any factors which may affect their performance in the hearing;
- iii) The allegations of misconduct shall be set out by the Dean or nominee;
- iv) The student, or the student's representative, shall respond to the allegations;
- v) Questions and answers;
- vi) Witnesses from either party;
- vii) The Dean or nominee and then the student invited to make final comments. New evidence is not admissible at this time;
- viii) The Dean or nominee and the student shall withdraw whilst the Panel reach their decision.

9.10.2 The order may be varied at the discretion of the Chair, reasons for this should be minuted.



- 9.10.3 The Panel may impose time limits on oral addresses and submissions. The Chair may also intervene with any speaker to require them to only address matters pertinent to the hearing, to meet expected timescales, to avoid repetition or other matter which may be considered to impact on the fair and efficient operation of the hearing.
- 9.10.4 The Panel shall rely only on evidence presented at the hearing or submitted beforehand.
- 9.10.5 If two or more students are involved in related allegations of misconduct and there are the same witness(es) to both cases, the Panel may at its discretion deal with the witness statements for both cases together.

### **9.11 Student Misconduct Panel – Adjournment of a hearing.**

- 9.11.1 Exceptionally, at the discretion of the Panel, proceedings may be adjourned for a period not normally exceeding 20 working days in the first instance and its decision deferred for that period. The decision and reasons for the decision must be minuted and written notification sent to the student and the School.

### **9.12 Student Misconduct Panel – decision.**

- 9.12.1 The Panel shall find a student had committed an act of misconduct, on the evidence before it, if it is satisfied on the balance of probabilities that the student had committed the act of misconduct. If the members of the Panel cannot agree, the verdict of the Panel shall be that of the majority of its members.
- 9.12.2 A decision that an act of misconduct has occurred should be made based on the evidence of the specific instance before the Panel.

### **9.13 Student Misconduct Panel – sanctions.**

- 9.13.1 When considering the sanction, the Panel should be permitted to consider evidence relating to similar types of misconduct previously confirmed. Any such evidence regarding previous misconduct cases of a similar nature must be considered alongside all other evidence submitted when deciding on a sanction, not whether or not the current misconduct has occurred, and must not form the sole or main evidence otherwise considered.
- 9.13.2 If a student is proven to have committed an act of misconduct, sanctions may be imposed by the Dean in matters dealt with summarily, or by the Panel in other cases. The sanctions are set out below. The sanction shall take account of any representations in mitigation made by the student or the student's representative, along with any impact statements received from other parties, particularly alleged victims.
- 9.13.3 When determining sanctions, consideration shall be given to the seriousness of the misconduct, the circumstances of the misconduct, the means and general personal circumstances of the student and also whether the University has suffered any particular detriment as a result of the misconduct. The overriding principle underpinning the determination of sanctions is that these should be proportionate to the particular offences. Account should also be taken of the feasibility of discharging the sanction. A guidance note on mitigation and aggravating factors is provided in Appendix A.

The sanctions that may be imposed are one, or a combination of, the following:

- a) **Written undertaking by the student.** This may include specific actions which should be clearly specified by the Panel, including dates for completion and the point/process for signoff. These would include one or more of:
- i) To be of good conduct for a period determined by the Panel hearing;
  - ii) To not approach or contact named individual(s) or knowingly cause another to contact them on their behalf;

- iii) To complete an action log on a specific aspect of conduct relevant to the finding of the Panel;
  - iv) To complete a reflective essay on specific aspect(s) of their behaviour, understanding and/or conduct relevant to the finding of the Panel (the Panel must specify the length of the essay). A member of staff from the relevant programme team from within the school may be required to recommend to the Chair that the action has been appropriate to allow the Chair to sign off the reflective essay and confirm that it has met appropriate standards given the specific programme and the level of the student.
- b) **First Written Warning.** This shall give details of the concerns, the improvement required and the timescale. It shall warn that further action will be considered if there is no satisfactory improvement (as determined by the Dean). A copy of the First Written Warning shall be placed on the student's record but will be removed from the record and disregarded for misconduct purposes after a period of 12 months, subject to satisfactory conduct and performance within that period.
  - c) **Final Written Warning.** This shall be issued if, following a first warning, there is still a failure to improve and conduct remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but not to justify expulsion. A Final Written Warning shall give details of the concerns, shall warn that expulsion is likely to result if there is insufficient improvement or any repeat occurrence. A copy of this Final Written Warning shall be placed on the student's record. Final Written Warnings shall be removed from the record and disregarded for misconduct purposes after a period of 24 months, subject to satisfactory conduct and performance within that period;
  - d) **A fine** of up to a maximum of £500.
  - e) **Compensation** of a reasonable sum in respect of identified and quantified loss e.g. for damages to cover full or partial costs.
  - f) **Performance of unpaid services** for the University community to a maximum of 40 hours.
  - g) **Period of suspension** from the University for a fixed period of time, up to a maximum of twelve months.

A student who is suspended may be prohibited from entering all University premises, from placement and from participating in University activities. Suspension may be subject to qualification, such as removal of access to University email, permission to take an examination or remote access to the Library and IT Services. The terms of the suspension shall be confirmed by the Panel and be notified to the student in writing with the outcome of the hearing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons. Any breach in the terms of the suspension may result in a student receiving a further, more serious sanction (such as expulsion).

- h) **Withdrawal of academic credit or award.** This would normally be restricted to the most serious occasions of academic misconduct where credit has already been ratified by an Assessment Board, or where the most serious misconduct interfered with and disrupted the learning and/or assessment of others. The process is by a recommendation to the Assessment Board/Postgraduate Research Award Board that credit or an award already conferred, at any time during the student's registration, be withdrawn.
- i) **Expulsion** from the University, which means that the student ceases to be a member of the University, has their registration as a student cancelled and loses all rights and privileges of membership. A student expelled from the University would not be permitted further study at the University or on a University of Salford award.

**9.14 Academic Misconduct Procedure.**

- 9.14.1 Sanctions (for taught programmes) imposed following referral to the Student Misconduct Panel by a school under the Academic Misconduct Procedure shall include one of the following:
- a) a mark of 0 or grade of F is awarded for the component of assessment in question;
  - b) a mark of 0 or grade of F is awarded for the component in question and the module mark kept at the minimum pass mark
  - c) a mark of 0 or grade of F is awarded for the component in question and marks for all modules at that level will be kept at the minimum pass mark.

so that the 'academic' sanction imposed is consistent with what would have been imposed under the Academic Misconduct Procedure.

- 9.14.2 Proven cases of academic misconduct will be referred back to the Assessment Board for implementation of the sanction. The Assessment Board will inform the student of its decision in the normal way and of any academic requirements following the implementation of the sanction.
- 9.14.3 Following the imposition of an 'academic' sanction a 'misconduct' sanction may also be imposed. However, account should be taken of the overall impact of any imposition of both a " misconduct' and an 'academic' sanction.
- 9.14.4 Normally, any proven case of academic misconduct at Level 8 will result in the expulsion of the student from the University. In exceptional cases where the nature of the misconduct is marginal and there are significant and compelling documented evidenced exceptional circumstances (please note personal mitigating should be reported at the time via appropriate routes see Student Academic Integrity Policy and Academic Misconduct Procedure section 10.1.2), then for a student at Interim Assessment (IA) or Internal Evaluation (IE), the Student Misconduct Panel may set a sanction of 'fail' for that assessment, with the requirement that the student undertake further training on academic good practice and provide a personal written reflective statement on academic integrity, academic good practice and academic misconduct to be signed off by the PgR Coordinator/ADR&E and the Chair of the Panel (on the advice of other Panel members) prior to recommencement of study and in no less than 20 working days from the date of notification. In such exceptional circumstances, the Panel must provide and record a clear and explicit rationale as to why a sanction other than expulsion was determined equitable, sufficient and appropriate.

**9.15 Student Misconduct Panel – communication of decision and sanction.**

- 9.15.1 Wherever possible where a hearing is held 'in person', the decisions of the Panel, whether an act of misconduct had occurred, and any sanction/sanctions shall be communicated orally to the student after adjourning to consider the evidence and shall also be confirmed in writing, normally within 5 working days. Where this oral communication is not possible the decisions of the Panel shall nevertheless be communicated in writing to all parties, normally within 5 working days. Where a hearing is held virtually in place of oral communication normally informal communication will be sent to the student's university email Address on the day of the hearing.
- 9.15.2 The decision and any sanction agreed must be communicated to the student in writing (outcome letter). This letter will normally be sent within five working days of the date of the hearing, or the date of a reconvened hearing where there is an adjournment. The letter would normally be accompanied by the minutes of the Panel hearing, however where this is not possible the minutes, approved by the Chair, will be identified as to follow as soon as possible afterwards.

**9.16 Appeals/Review.**

- 9.16.1 The student shall be allowed 10 working days from the date on the formal outcome notification (either the outcome from a School hearing or a Panel hearing) to provide written notice of an appeal and relevant supporting evidence to QEO. Where, exceptionally, the minutes of a University Panel hearing are delayed then the deadline for appeal will be extended until 10 working days from the date of the availability of the minutes.
- 9.16.2 The appeal must identify one or more of the three following grounds it is being submitted in relation to:
- A: that new and relevant evidence is available which, for good and reasonable cause, was not available to an earlier stage of the Procedure (as the case may be) at the earlier stage of this Procedure. (Exceptional circumstances are needed to explain why any evidence could not have been made available);
  - B: that there was a relevant and significant defect, error or mistake in the conduct of the earlier stage of this Procedure which casts reasonable doubt on the decision reached by the Dean of School or Panel hearing (as the case may be) in that the decision might have been different if the defect, error or mistake had not occurred;
  - C: that the decision reached at the earlier stage of this Procedure is manifestly unreasonable. In this context, unreasonable will be taken to mean perverse, i.e. the decision was not one that a similar process might have reached.
- 9.16.3 Appeals should be submitted using an appeal form [https://www.salford.ac.uk/sites/default/files/2021-04/Disciplinary\\_Academic\\_Misconduct\\_Appeal\\_Form.docx](https://www.salford.ac.uk/sites/default/files/2021-04/Disciplinary_Academic_Misconduct_Appeal_Form.docx).
- 9.16.4 A request from a student for a rehearing is not a valid ground of appeal.
- 9.16.5 The student must not only state a ground or grounds for appeal but must also provide evidence to substantiate those grounds.
- 9.16.6 An appeal shall only be heard by an Appeal Panel if there is evidence to support one or more of the grounds set out above.
- 9.16.7 The Director of Quality, Enhancement and Governance (or nominee) shall, in all cases, and normally within 5 working days, determine whether the appeal has been received within the appropriate timescale and discloses a valid ground of appeal.
- 9.16.8 The Director of Quality, Enhancement and Governance (or nominee) shall reject any appeal which does not disclose a valid ground of appeal; does not evidence a ground or ground(s) of appeal or is out of time. In such instances, the student shall be formally notified by a Completion of Procedures Letter.
- 9.16.9 If the notice of appeal is accepted as valid by the Director of Quality, Enhancement and Governance (or nominee), depending on the ground(s) for appeal, they may refer the case back to an earlier stage of the Procedure or to an Appeal Panel as appropriate.
- 9.16.10 The Chair of the Student Misconduct Panel, where requested, shall have power to defer the operation of the sanction where an appeal is pending against a decision of the Panel to suspend a student, to withdraw an award or to expel a student pending that appeal. However such decision will not apply where a student would be expected to attend a placement, clinical practise or other direct interaction with the public without agreement of the nominee of the Dean of School.

## **9.17 Student Misconduct Appeals Panel.**

- 9.17.1 Where the Director of Quality, Enhancement and Governance (or nominee) refers a case to a Student Misconduct Appeal Panel, QEO shall arrange for a Panel to be established as soon as possible, normally within 30 working days, to consider the appeal and to determine an outcome.
- 9.17.2 The Appeal Panel constitution will be the same as for the Panel hearing. All members shall have had no involvement in the direct circumstances leading to the allegations against the student, the investigation into those allegations, have not been members of the original panel or have any other connection to the student which might be regarded as prejudicial to their impartiality.
- 9.17.3 The Dean and the Chair of any original panel shall, as soon as is reasonably possible, receive a full copy of any evidence submitted by the student.
- 9.17.4 The Dean and the Chair of the original hearing may each make a written response for submission at least 5 working days before the date of the Appeal Panel hearing. These responses should not include new information or evidence not directly related to the grounds for appeal. This information must be provided at least 5 working days before the date of an Appeal Panel.
- 9.17.5 The Chair of the original hearing will be invited to attend the Appeal Panel alongside the Dean as an observer, the Appeal Panel may call on the chair as a witness during any appeal hearing.
- 9.17.6 The School will notify QEO of any witnesses they wish to call at least 5 working days before the date of an Appeal Panel.
- 9.17.7 The student shall receive written notification from QEO and of whether the University will call witnesses, giving at least 5 working days' notice of the date and time when the Appeal Panel will convene.
- 9.17.8 The student and/or the person accompanying them may speak on a student's behalf. The student shall be the first party to present their case to the Appeal Panel. The Dean shall present the response to that case.
- 9.17.9 There shall be no entitlement to a rehearing of a case. The Appeal Panel may overturn a decision that misconduct occurred on appeal where it considers it just to do so.
- 9.17.10 The Appeal Panel may dismiss an appeal without a full hearing if it considers that the appeal, although not rejected by the Director of Quality, Enhancement and Governance (or nominee), was in fact not made on the allowable grounds or was out of time.
- 9.17.11 Order of proceedings for a Student Misconduct Appeal Panel shall normally be:
- i) Introduction of those present, outline of procedure;
  - ii) Student invited to declare any factors which may affect their performance in the hearing;
  - iii) Grounds for appeal shall be set out by the student, or the student's representative;
  - iv) The Dean or nominee shall respond to the appeal;
  - v) The Panel shall have the opportunity to question both the Dean or nominee and the student;
  - vi) Witnesses;
  - vii) The student and the Dean provide closing statements. New evidence is not admissible at this time.
- 9.17.12 The Appeal Panel, where there is good cause to do so, may amend the order of proceedings. In such instances the Chair must confirm the amendment and the reasons for this, and both shall be recorded in the minutes of the hearing.
- 9.17.13 The Appeal Panel hearing an appeal against a sanction may impose a lesser or greater sanction, having considered whether the original sanction imposed was fair and reasonable in the light of all the circumstances of the case and the student's means and general personal circumstances.

9.17.14 The Appeal Panel shall consider its decision and shall notify the appellant of its decision and its reasons normally within 5 working days. The decision of the Appeal Panel shall be final and no further appeal may be permitted within the University. The notification of the outcome of the appeal will include a statement of the exhaustion of all University procedures: 'a Completion of Procedures Letter'.

## **10.0 External Review.**

10.1.1 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Salford is a member of this scheme. If a student is unhappy with the outcome they may be able to ask the OIA to review their complaint. More information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

10.1.2 Students normally need to have completed the Student Misconduct Procedure before submitting a complaint to the OIA. The University will send a letter called a "Completion of Procedures Letter" when a student has reached the end of our processes and there are no further steps which can be taken internally. If an appeal made against a formal decision taken under this Procedure is not upheld, the University will issue a Completion of Procedures Letter automatically. If an appeal is upheld or partly upheld a student can ask for a Completion of Procedures letter. More information about Completion of Procedures Letters and when a student should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.



## Appendix A - Guidance Note on the application of sanctions, mitigation & aggravation.

- B.1 This Guidance Note complements the University of Salford Student Misconduct Procedure and offers advice on mitigation (factors which might make student misconduct less serious) and aggravation (factors which might make student misconduct more serious). The advice is to assist Deans of School, the Misconduct Panel and the Misconduct Appeal Panel when imposing sanctions under the Student Misconduct Procedure. However, each instance of student misconduct under the Student Misconduct Procedure will be individual and Deans of School, the Misconduct Panel and Misconduct Appeal Panel will want to take the particular circumstances of the individual case into account when imposing a sanction or sanctions.
- B.2 In arriving at an appropriate sanction or sanctions the Dean, Panel and Appeal Panel will also want generally to take into account such factors as:
- Whether the student has shown remorse and/or has made a voluntary offer of compensation/reparation at an early stage.
  - Impact on the victims of the misconduct, including the extent of any harm and distress caused and especially any physical injury to others.
  - The time and place of occurrence, and therefore the likely impact on others.
  - The degree of intentionality and/or recklessness displayed in the misconduct.
  - Whether there are specific aggravating factors, such as misconduct which is or includes elements of sexual violence/harassment.
- B.3 Under the Student Misconduct Procedure, a student admitting misconduct for an offence may normally have any sanction, except withdrawal of an award or expulsion, duly reduced.

Example of Misconduct	Level 1 –minor	Level 2 –major
i) any conduct which constitutes a criminal offence and may have an impact on the University and its activities;	- an offence which must only be dealt with at a Magistrates Court <sup>1</sup> (summary only) or which may be dealt with either at a Magistrates Court or Crown Court (either way)	- an offence which must only be dealt with at the Crown Court (indictable)
ii) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;	- minor in nature and not widely viewed or reported	- major in nature and widely viewed or reported - impact on learning
iii) obstruction, frustration or disruption of the functions, duties or activities of any student or member of staff of the University, or any visitor to the University;	- minor disruption caused	- major disruption and/or impact on learning
iv) violent, indecent, disorderly, threatening, intimidating, defamatory, derogatory, offensive or otherwise inappropriate behaviour or language	- single incident - either inappropriate language or behaviour	- repeated despite requests to desist - sexist or racist languages used - vulnerable persons (e.g. children) present
v) sexual, racial or other harassment;	- it is highly unlikely harassment, which indicates more than a single incident, would be considered minor.	- in almost all incidences will be major, up to behaviour which becomes effectively a campaign -

<sup>1</sup> See <https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/> & <https://www.gov.uk/courts/magistrates-courts>

Example of Misconduct	Level 1 –minor	Level 2 –major
vi) fraud, deception or dishonesty and especially the falsification or misuse of the University's name, logo or formal records including award certificates	<ul style="list-style-type: none"> <li>- unsophisticated, single incident</li> </ul>	<ul style="list-style-type: none"> <li>- repeated</li> <li>- sophisticated and planned</li> <li>- falsification of University formal records including award certificates</li> </ul>
vii) repeated serious or aggravated academic offences, referred under the Academic Misconduct Procedure by the Dean for the imposition of appropriate sanctions (which for these offences only may include academic sanctions);	<ul style="list-style-type: none"> <li>- first offence of this type</li> <li>- early stage in programme of study</li> <li>- limited in scale such as a minor plagiarism in an on-programme assessment</li> <li>- limited understanding of academic good conduct</li> </ul>	<ul style="list-style-type: none"> <li>- repeat offence on a later occasion</li> <li>- advanced stage in programme of study</li> <li>- other students in some way disrupted/ affected</li> <li>- academic reputation of University threatened</li> <li>- referrals under the Academic Misconduct Procedure to this procedure will normally be only the most serious cases.</li> </ul>
viii) having aided others to commit any act of academic misconduct, such actions may include: <ul style="list-style-type: none"> <li>a) being party to impersonation where another person sits an examination or other assignment in the place of the actual student;</li> <li>b) provision, or assistance in the provision, of evidence or knowledge or understanding in examinations or other assignment;</li> <li>c) provision of work, such as assignments, to external websites which could be used for academic misconduct.</li> </ul>	-	-
ix) theft, misappropriation or misuse of University property including copyright and other intellectual property, or the property of the University's staff, students or visitors	<ul style="list-style-type: none"> <li>- low value</li> <li>- property recovered</li> <li>- no health and safety risk caused</li> </ul>	<ul style="list-style-type: none"> <li>- middle to high value</li> <li>- property partly or not recovered</li> <li>- health and safety risk caused</li> <li>- proven repeat offences</li> <li>- impact on learning</li> </ul>
x) misuse or unauthorised use of University premises and equipment, including the unauthorised possession of a key to University premises	<ul style="list-style-type: none"> <li>- low value damage caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- middle to high value damage caused</li> <li>- impact on learning</li> </ul>
xi) damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;	<ul style="list-style-type: none"> <li>- low value damage caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- middle to high value damage caused</li> <li>- proven repeat offences</li> <li>- impact on learning</li> </ul>
xii) action likely to cause injury or impair safety on University premises, including misuse of safety equipment and infringement of safety requirements;	<ul style="list-style-type: none"> <li>- low value damage caused</li> <li>- minor health and safety risk caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- middle to high value damage caused</li> <li>- proven repeat offences</li> <li>- impact on learning</li> </ul>
xiii) failure to respect the rights of others to freedom of belief and freedom of speech; Please refer to	<ul style="list-style-type: none"> <li>- minor in nature and not widely viewed or reported</li> </ul>	<ul style="list-style-type: none"> <li>- either major in nature and widely viewed or reported</li> <li>- impact on learning</li> </ul>



Example of Misconduct	Level 1 –minor	Level 2 –major
full Code of Practice on Freedom of Speech on the following link: <a href="http://www.salford.ac.uk/about-us/corporate-information/governance/policies-and-procedures/university-core-and-organisational-governance">http://www.salford.ac.uk/about-us/corporate-information/governance/policies-and-procedures/university-core-and-organisational-governance</a> .		
xiv) breach of the provisions of any University rule, regulation, policy, procedure or code of practice including those for Information and Learning Services and IT Services, this includes any breach of the University's ICT Acceptable Use Policy;	<ul style="list-style-type: none"> <li>- minor disruption caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- major disruption to others</li> <li>- proven repeat offences</li> <li>- impact on learning</li> </ul>
xv) using or knowingly possessing within the University. Controlled drugs as defined in the Misuse of Drugs Act 1971 or any legislation modifying or replacing that Act	<ul style="list-style-type: none"> <li>- use and/or possession</li> </ul>	<ul style="list-style-type: none"> <li>- possession of quantity greater than that likely for personal use</li> </ul>
xvi) failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;	<ul style="list-style-type: none"> <li>- single incident</li> </ul>	<ul style="list-style-type: none"> <li>- repeated</li> <li>- obstructed an investigation into misconduct</li> <li>- impact on learning</li> </ul>
xvii) failure to comply with any reasonable instruction(s) relating to discipline issues;	<ul style="list-style-type: none"> <li>- minor disruption caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- major disruption to others</li> <li>- impact on learning</li> </ul>
xviii) making frivolous vexatious and/or malicious allegations or complaints	<ul style="list-style-type: none"> <li>- minor in nature and not widely impacting</li> <li>- single incident</li> </ul>	<ul style="list-style-type: none"> <li>- either major in nature</li> <li>- repeated upto and including to the extent of a campaign</li> <li>- impact on learning</li> </ul>
xix) bribery	<ul style="list-style-type: none"> <li>- minor in nature</li> <li>- single incident</li> </ul>	<ul style="list-style-type: none"> <li>- major in nature</li> <li>- widely impacting</li> <li>- repeated</li> <li>- assessment related</li> <li>- impact on learning</li> </ul>

<b>Document Control Information</b>			
<b>Revision History incl. Authorisation: (most recent first)</b>			
<b>Author</b>	<b>Summary of changes</b>	<b>Version</b>	<b>Authorised &amp; Date</b>
Richard Clemens	<i>Change of title of Procedure. Merger of two sanctions relating to suspension. Minor re-ordering of sections. Update to sections on supporters, representatives, and witnesses. Minor restructuring and clarifications.</i>	4.0	SELTEC 17 May 2021
Richard Clemens	<i>Changes to definition of 'expulsion' restructure of the procedure. Some minor amendments to wording.</i>	3.0	ASQAC 2020
Richard Clemens	<i>Change from 'suspension pending to 'action pending'. Inclusion of explicit reference to option to instigate formal evidence gathering process (Investigation). Minor changes to wording and some layout changes.</i>	2.4	
Richard Clemens	<i>Update to Data protection with regard to GDPR 2018. Expansion on how cases may change between procedures. Some minor re-wording to</i>	2.3	
Richard Clemens	<i>Annual review &amp; transfer to new template; amendment to Academic Misconduct sanctions, and removal of the need for Senate to approve the withdrawal of previously ratified credit, following approved for the Academic Misconduct Procedure. Expansion of definitions of other sanctions to match those used in the approved Fitness to Practise Procedure.</i>	V2.2	
Richard Clemens	<i>Clarification relating to references in section 5.17 "Data Protection" &amp; Clarification for the timescales for the notification of witnesses 5.8.</i>	V2.1	ASQAC 21/06/2017
Richard Clemens	<i>Review, including: Separating out previous offences prior to decision on sanction; notification of Home Office Compliance team; clarification of suspended pending; review of guidance on sanctions; replacement of s/he, her/his with more neutral terms; Replacement of guilt/guilty; Update to reflect changes in structures; minor clarification on wording; all appeals to the Disciplinary Appeal Panel; additional example of misconduct relating to aiding others commit academic misconduct.</i>	V4.0	ASQAC 02/2017

<b>Document Control Information</b>			
Richard Clemens	<i>Annual Update &amp; review</i>		January 2015
Matthew Stephenson	<i>Amended document control information</i>	V1.1	9 April 2013
<b>Policy Management and Responsibilities:</b>			
Owner:	This Policy is issued by the Director of Governance, Quality & Enhancement, who has the authority to issue and communicate policy on Student Misconduct matters and has delegated day to day management and communication of the policy to the Assistant Quality & Enhancement Manager.		
Others with responsibilities (please specify):	Deans of School & Directors of Professional Services, Head of Student Support.		
<b>Author to complete formal assessment with the following advisory teams:</b>			
Equality Analysis (E&D, HR) <a href="#">Equality Assessment form</a>	1. Updated 5 September 2017, 2020 review in progress following consultation with E&I		
Legal implications (LPG)	2. N/A		
Information Governance (LPG)	3. N/A		
Student facing procedures (QEO)	4. N/A		
UKVI Compliance (Student Admin)	5. N/A		
<b>Consultation:</b>			
Staff Trades Unions via HR Students via USSU Relevant external bodies (specify)	1. Consultation with USSU		
<b>Review:</b>			
Review due:	E.g. 2 years by August 2018 (Note: LPG send a reminder to review is due)		
Document location:	<a href="http://www.salford.ac.uk/policies">University Policy &amp; Procedure Pages</a> <a href="http://www.salford.ac.uk/policies">http://www.salford.ac.uk/policies</a>		
<b>The owner and author are responsible for publicising this policy document.</b>			