

SENATE REGULATION 6: Student Conduct (Academic and Non-Academic) (September 2017 onwards)

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Introduction

1. All students of the University are required to conduct themselves in a manner that is responsible and respectful to other people, including students, members of staff, visitors to the University, and members of the public. The University is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, family responsibilities, religious or political beliefs.
2. At the point the University confirms their acceptance of an offer of a place on a programme at the University, students agree to abide by all relevant Statutes, Council Ordinances, Senate Regulations and other rules, policies and procedures of the University. Breach of these may lead to disciplinary action being taken under the Procedures referred to in this regulation in the case of alleged misconduct (academic or non-academic), or may be considered under another Senate Regulation, such as *Senate Regulation 14 – Professional Suitability* or *Senate Regulation 15 – Immigration Compliance*.
3. All members of the University have a responsibility to support the maintenance of good order and a safe environment which is conducive to study, research, living and working. Members of staff are encouraged to address minor cases which may constitute non-academic misconduct, such as general or low level anti-social behaviour, through early intervention, positively supporting students to develop their understanding of what constitutes acceptable behaviour before circumstances escalate towards disciplinary action.
4. Any improper activity or behaviour by a student which may give that student, or another student, an academic advantage in an assessment is considered to be an act of academic misconduct and unacceptable in a scholarly community. Students are required to take responsibility for the integrity of their work, including asking for clarification where necessary.
5. Any allegations of student misconduct (academic or non-academic) will normally be dealt with in accordance with the *Student Disciplinary Procedure* and the *Academic Misconduct Procedure*.
6. In the event that a concern may constitute both academic and non-academic misconduct by a student, the Clerk to the Misconduct and Professional Suitability Board will determine the appropriate procedure for its investigation, consideration and determination.
7. This Regulation applies to all students from the point that the University confirms their acceptance of an offer of a place on a programme at the University. It applies at all times and is not restricted to conduct during term time, on University premises, or in respect of University or University-related activities

Precautionary Action

8. The University may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures. The imposition of a temporary suspension and/or exclusion is precautionary. It is not a penalty and does not indicate that the University has concluded that the student has breached its rules regarding student conduct. The procedures that will be followed are set out in the *Student Disciplinary Procedure* and the *Academic Misconduct Procedure*.

Overlap with criminal proceedings/police or other departmental government investigations and other University regulations

- 9.** The University may suspend its consideration of a matter under this Regulation in order to allow another University process to take place, including an assessment of a student's fitness to study under *Senate Regulation 11 – Fitness to Study*.
- 10.** Where, on the basis of an allegation received, there may be good cause to deprive a current or former student of an award which has already been conferred, the Regulation on the revocation of degrees, other awards and distinctions (*Senate Regulation 13*) shall be used to determine whether that award should be revoked, and not this Regulation.
- 11.** Where a case gives rise to both professional suitability and conduct concerns, the University will normally follow its procedures relating to professional suitability as provided for in *Senate Regulation 14 – Professional Suitability* to investigate, consider and determine the outcome of all the concerns arising in the case rather than following separate professional suitability and misconduct procedures. However, the University reserves the right to vary the process followed where appropriate.
- 12.** The Union of Brunel Students has its own internal procedures for resolving breaches of its rules and regulations and the details of these procedures are available from its website. Where appropriate, the University may also consider an allegation of misconduct under this or another Senate Regulation.
- 13.** Concerns relating to a student's admission to the University will normally be considered under the procedures set out in the University's *Admissions Policy*. Students are also required to declare relevant criminal convictions to the University in line with the *Policy on the Acceptance of Ex-Offenders*.
- 14.** Concerns about safeguarding should be considered under the *Safeguarding Policy and Guidance*.
- 15.** Concerns relating to student conduct in Residences will normally be considered under the *Residences Disciplinary Procedure*. A concern about conduct in Residences may be considered at any time under the *Student Disciplinary Procedure* and/or the *Academic Misconduct Procedure*, either in addition to or instead of consideration under the *Residences Disciplinary Procedure*.
- 16.** If a student's conduct may be in breach of the law, the University may, at its discretion refer the matter to the police and/or other suitable authorities. In addition, where a police or other external investigation or criminal proceedings have been or may be initiated in relation to an alleged act of misconduct, the University may suspend its consideration of the matter under this or any other Regulation (at any stage) until such investigation and/or proceedings have been concluded. The University's consideration of a matter under this Regulation may be resumed at any stage should the University deem it to be appropriate in the circumstances.
- 17.** The University may take action in respect of a student under this Regulation and the disciplinary procedures to which it refers notwithstanding the student's conviction or acquittal in criminal proceedings. The University is not bound by the outcome of any criminal prosecution although the University may, in its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under the procedures referred to in this Regulation.

Partner institutions

18. Where learning opportunities are delivered to students under a partnership agreement with another organisation, any variations to the policies and/or procedures set out in this Regulation shall be identified in the relevant contract with and guidance to students.

Non-academic misconduct

19. Concerns that represent a potential or actual threat to the safety, security, good order, or reputation of the University, its members or members of the public, or to the maintenance of a safe environment conducive to study, research, living and working will normally be considered non-academic misconduct offences under this Regulation. This includes but is not limited to the following:

- a. Failing to comply with the *Student Code of Conduct*, or with other University policies and regulations as set out in the *Terms and Conditions*;
- b. Breaking the law;
- c. Threatening or engaging in violence, harassment, bullying or abuse, either physically, verbally or by way of the Internet or social media;
- d. Sexual misconduct;
- e. The possession, use or supply of drugs (including the misuse of prescription drugs or legal highs), or weapons;
- f. Anti-social behaviour, including but not limited to anti-social behaviour as a result of intoxication through alcohol or drugs;
- g. Damaging or misappropriating property;
- h. Theft;
- i. Inappropriate use of IT equipment, the Internet or social media, including breaches of the *Brunel Acceptable Computer Use Policy*;
- j. Failing to disclose relevant criminal convictions in line with the *Policy on the Acceptance of Ex-Offenders*;
- k. Preventing or interfering with lawful freedom of speech or belief
- l. Bringing the University into disrepute;
- m. Obstructing or interfering with a member of the University;
- n. Obstructing or interfering with the good order, functioning or reputation of the University;
- o. Failing to comply with the terms of a temporary suspension and/or exclusion from the University;
- p. Failing to comply with a decision taken or penalty imposed under the Student Disciplinary Procedure and/or the Academic Misconduct Procedure;

20. The University will normally respond to concerns about student non-academic misconduct in accordance with the *Student Disciplinary Procedure*.

Academic misconduct

21. The following is a non-exhaustive list of conduct which where proven will normally constitute academic misconduct:

- a. **Plagiarism**, which is defined as the knowing or reckless presentation of another person's work or ideas as one's own, and includes the use of published or unpublished work without acknowledging the source;
- b. **Cheating**, which is defined as acting dishonestly or unfairly in order to gain an academic advantage. This includes the falsification of information and cheating in examinations;
- c. **Collusion**, which is defined as aiding or attempting to aid another member of the University in gaining an unfair academic advantage by
 1. The unauthorised and/or unacknowledged collaboration of persons in a piece of assessed work, and/or;
 2. Allowing a piece of assessed work to be copied by another person or persons.

In both these instances, all persons involved are liable to be penalised.

- d. **Obtaining or purchasing work** from another person or organisation and submitting it as one's own;
- e. **Research misconduct**, as defined in the Research Integrity Code of Practice (concerns about research misconduct should first be reported to the Secretary to Council, who may refer a matter for consideration under this Regulation);
- f. **Breaches** of any University rules, regulations, policies or procedures relating to academic activity or assessment, such as the *Examinations Policy*.

22. The University will normally respond to concerns relating to the academic misconduct of a student in accordance with the *Academic Misconduct Procedure*.

Penalties

23. The range of penalties for misconduct offences (non-academic and academic) is set out in the Student Disciplinary Procedure and the Academic Misconduct Procedure respectively. The range of penalties includes temporary or permanent suspension and/or exclusion from the University or from specific University facilities or activities, and permanent expulsion from the University, including Residences.

24. Failure to comply with the terms of a penalty may lead to further action under the procedures referred to in this Regulation.

Appeals

25. A student will have the right to appeal against any decision of temporary suspension and/or exclusion made under Paragraph 8 of this Regulation, and/or any decision made by

an Academic Misconduct Panel, Student Disciplinary Panel or a Vice-Chancellor's Representative. The grounds for appeal and the procedure to be followed are set out in the *Academic Misconduct Procedure* and *Student Disciplinary Procedure*.

(Updated November 2018)