

STUDENT CODE OF CONDUCT
and
ADJUDICATION PROCEDURE
Incorporating Fitness to Practise
Version 5b
2016-17

Printed copies or references to the Student Code of Conduct and Adjudication Procedure in other documents are uncontrolled and cannot be guaranteed to constitute the current version. Please refer to the web version: <http://my.cumbria.ac.uk/StudentLife/Support/PuttingThingsRight/StudentConduct.aspx>.

Revisions to the documents are listed in the [Policy Schedule](#), page 34.

This document can be made available in alternate formats. Please contact Student Academic and Administration Service to make a request via: studentprocedures@cumbria.ac.uk.

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STUDENT CODE OF CONDUCT

1. Introduction

- 1.1 The University of Cumbria is an education provider, set within local communities, offering a range of programmes each with their own requirements and expectations.

2. Aims and Objectives

- 2.1 This Student Code of Conduct outlines the University's expectations relating to the behaviour of its students in meeting social responsibilities, legislative and regulatory requirements, professional expectations and standards.
- 2.2 The accompanying Adjudication Procedure explains the range of steps the University can take when a complaint, grievance or allegation is made against a student to identify whether or not the Student Code of Conduct has been breached. It also explains what outcomes and sanctions can be applied if the Code is found to have been breached.

3. Scope

- 3.1 The Student Code of Conduct applies to (not limited to):
- All students enrolled on any course of study offered by the University
 - Students who have recently withdrawn from a programme governed by professional, regulatory and statutory bodies
 - Alleged misconduct within placements and the wider community
 - Students referred from a Professional Practice Case Conference for reasons of conduct
 - Students sponsored by the University under Tier 4 of the Points-based System, in compliance with Home Office UK Visa and Immigration UK regulations (see also S9 below)
- 3.2 An allegation, complaint, concern or grievance may be made against a University student by:
- Another student;
 - A member of staff of the University;
 - A University representative, including mentors, placement-related staff and other agents of the University.
- 3.3 An allegation made by a member of the public may also be considered by an Adjudication Officer where there is sufficient and appropriate information.
- 3.4 Complaints, grievances or allegations made by a student's parent, relative, friend or other third parties, cannot be pursued on behalf of a student. The exception to this is where the student has a disability or spld and being represented by a 3rd party is an assessed reasonable adjustment. Written consent will be requested from the student.
- 3.5 Students registered with other institutions will be subject to the policies and procedures of their own institution/organisation.
- 3.6 Anonymous complaints will not normally be considered.

4. Support, information, advice and guidance for students

- 4.1 Students will receive information when the Adjudication Procedure is initiated. This will explain what the student's rights and entitlements are and what is expected of the student.

- 4.2 The full Student Code of Conduct and Adjudication Procedure is available online: (<http://my.cumbria.ac.uk/StudentLife/Support/PuttingThingsRight/StudentConduct.aspx>).

5. Students' Union

- 5.1 Students subject to an Adjudication are encouraged to contact the Students' Union, an independent source of information, advice and guidance. Information about the Students' Union information and advocacy services can be found online: <http://www.ucsu.me/support>.

6. Students with a disability/specific learning difficulty

- 6.1 Students with an assessed or confirmed disability and/or specific learning difficulty may be offered reasonable adjustments to assist them during the Adjudication Procedure. Adjustments will be relevant to the disability and/or specific learning disability. Students with mental health conditions can seek support from the University's Health and Wellbeing team.
- 6.2 If at any time, a student with a disability or mental health condition is unable to engage with the Adjudication Procedure, consideration will be given to putting the procedure on hold until support has been accessed.
- 6.3 University staff hosting Adjudication appointments may liaise with colleagues in Library and Student Services (LISS) to ensure appropriate adjustments are offered or to seek relevant information to help inform decisions.

7. Police Involvement, DBS (Disclosure and Barring Scheme) and professional, statutory and regulatory body (PSRB) requirements

- 7.1 The University or person raising the complaint reserves the right to refer matters to the Police where appropriate. Internal University procedures may be put on hold, although students may be suspended from all or part of the University, until the outcome of external investigations and or criminal proceedings is known.
- 7.2 Students are reminded of their requirement to inform the [DBS Team](#), at the earliest opportunity, should there be a potential or actual change to their DBS status.
- 7.3 Students enrolled on courses governed by PSRB requirements may also be required to notify their professional/regulatory body in line with Health and Care Professions Council (HCPC) regulations.

8. Suspension

- 8.1 The University may take the decision to suspend a student as an initial response to the seriousness of the allegations or concerns that have arisen.
- 8.2 Suspensions:
- Are based on a risk assessment of the known circumstances
 - Do not prejudge the outcome of enquiries
 - Can be for the protection of the student against whom the complaint has been raised and/or other parties that may be involved
 - Can be disruptive, although academic continuity is maintained wherever possible and appropriate

9. Home Office UK Visas and Immigration

- 9.1 Students who are sponsored by the University under Tier 4 of the Point-based System should be aware that non-compliance with their Tier 4 responsibilities might result in the withdrawal of University sponsorship and therefore termination of their right to remain in the UK under a Tier 4 visa.

10. External Reporting

- 10.1 The University has a statutory requirement to inform external agencies of certain outcomes of the Adjudication Procedure, for example, the DBS, Independent Safeguarding Authority, HCPC, UK Visas and Immigration and relevant professional organisations. Students will be notified should external reporting be required.

11. External Redress – Office of the Independent Adjudicator

- 11.1 Students may apply to the Office of the Independent Adjudicator (OIA) should they exhaust the internal Adjudication Appeal Procedure and remain dissatisfied with the outcome. Specific details of how to pursue redress via the OIA will be provided by the University's OIA contact in the form of the OIA's "Completion of Procedures" letter at the end of all internal appeals procedures.
- 11.2 Policies and procedures governing independent review are as determined by the OIA. Information relating to the OIA is available to all students at any time:
www.oiahe.org.uk.

12. Vexatious or Mischievous Allegations

- 12.1 An allegation found to be vexatious or mischievous may result in action against that individual under the relevant procedure.

13. Disability Discrimination, Equality and Diversity; Impact Assessment Statements

- 13.1 The Equality Act 2010 places a positive duty on the University to promote equality of opportunity and covers: Age; Disability; Sexual Orientation; Gender; Gender Re-assignment; Pregnancy and maternity; Religion or belief (or a lack of belief); Race; Marriage/Civil Partnership. Students who may be in breach of this legislation may be subject to the Adjudication Procedures.
- 13.2 The Student Code of Conduct and Adjudication Procedure and their implementation are monitored in line with relevant legislation for their impact on different groups categorised. This provides a check on whether there are any differences in use of the procedures and allows the University to assess whether these differences have an adverse impact on any particular group and take appropriate action where required.
- 13.3 Further information regarding disability discrimination may be sought from the University's Equality, Diversity and Inclusion Manager.

14. Records Management Statement

- 14.1 The University is committed to complying with the requirements of Data Protection legislation and regulations. Any personal data created as part of this policy will be processed in accordance with the University's Data Protection Act procedures. This includes ensuring that data is held securely, is not disclosed unlawfully and is destroyed when no longer needed. Information regarding complaints will be shared with those relevant in order to carry out investigations.

- 14.2 All documentation from an Adjudication will be stored in accordance with the Data Protection Act by Student Academic and Administration Service.

15. Policy Review and Reporting

- 15.1 The Student Code of Conduct is monitored annually and amendments can be made to reflect changes in legislation and good practice as appropriate and ensure clarity. An annual report is submitted to Academic Board, reporting on the use of this policy and accompanying procedure. Full review normally takes place triennially.

16. Codes of Conduct

- 16.1 The following elements of the Code of Conduct are not exhaustive and the University reserves the right to consider/investigate any complaints not listed below.
- 16.2 The University reserves the right to refer matters to the Police where a criminal act may have occurred. (See S7: Police Involvement and DBS above). The University's internal procedures may be adjourned pending the outcome of external actions/investigations. Students may remain subject to the Suspension Procedure (Student Code of Conduct S8 and Adjudication Procedure S2).

A1: Behaviour towards fellow students, staff, agents and other personnel connected to the University

- A1.1 Students shall act with respect and reasonable consideration towards all people associated with the University.
- A1.2 Students shall not behave in a disorderly, abusive, threatening, intimidating, indecent, slanderous, libellous, offensive, or violent manner (whether expressed through actions or the spoken or written word, including electronic means).
- A1.3 Students shall not take away, misuse, deface or damage property belonging to a fellow student, staff member or visitor to the University, or placement personnel.
- A1.4 Students shall comply with any reasonable instructions, including producing appropriate identification, as requested by an authorised member or agent of the University staff (including placement staff) in the execution of their duties.
- A1.5 Students shall not obstruct, disrupt or interfere with, the legitimate functions or activities of any student or member of staff of the University or in the institutions in which students fulfil a placement or visit as part of their studies.
- A1.6 Students shall not knowingly publish, be published in or distribute a poster, notice, sign or any publication which may be considered offensive, intimidating, threatening, indecent or illegal, or which may be considered to make others fearful, anxious or apprehensive.
- A1.7 Students shall not use or misuse, produce, trade, store or transport drugs or other illegal substances or keep in University accommodations, any paraphernalia that could be used in relation to drug use or misuse.

A2: Bringing the University into disrepute

- A2.1 Students shall not exhibit any behaviour or engage in any activity, whether within the University premises or elsewhere, which has the potential to damage or has damaged the good name of the University.

A3: Use of buildings, grounds & equipment

- A3.1 Students shall not litter on campus grounds.
- A3.2 Students shall not take away, deface, misuse or damage any property belonging to the University or associated organisations.

A3.3 Students shall not make unauthorised entry to any part of the University, including any study bedroom/flat/hall of residence.

A3.4 Students must comply with relevant regulations regarding the use of recording devices, mobile phones, personal music equipment, etc when they are in any teaching/learning setting, examination or library premises.

A3.5 Students may not engage in any trade or business, or engage in the activities of any other form of employment, on University premises, other than employment by the University or Students' Union, without relevant permissions.

A4: Health and Safety (see also the University's General Health & Safety Policy Statement - [click here](#) for further information)

A4.1 Students shall not behave in a way that may affect the health and safety of, cause or potentially cause injury or harm to a person.

A4.2 Students shall not behave in a way that may or does lead to the activating of a fire or smoke alarm or otherwise misuse fire safety equipment.

A4.3 Students shall not smoke in any areas other than those designated as authorised smoking areas.

A4.4 Students shall not keep, carry on their person, use or threaten to use any offensive weapons, imitation firearms, fireworks, explosives or any highly combustible materials or any article deemed to be an offensive weapon even if properly licensed on University premises.

A5: University administration, policies & regulations

A5.1 Students shall not breach approved University policies and regulations which include, but are not limited to, (click on the link to the right of each procedure for further information – takes you to a new web page):

- Equality, Diversity and Inclusion ([click](#))
- Admissions Procedure and DBS requirements ([click](#))
- Student Complaints ([click](#))
- Student Harassment and Bullying ([click](#))
- Safeguarding: children and working with vulnerable groups ([click](#))
- Student Progress Review ([click](#))
- Freedom of Speech: Code of Practice ([click](#))
- Regulations for the use of computer facilities: the academic network, e-mail, software, data-sets, web access, information security etc ([click](#))
- Student Social Media Policy ([click](#)) (see also [A9](#) below)
- Library and Student Services Regulations ([click](#))
- Malpractice Procedure (ie: where malpractice has been determined. Consideration may be given to the implications of these findings in relation to the programme of study, through the Adjudication Procedure) ([click](#))
- Attendance Policy (international students on a Tier 4 visa - [click](#))
- University parking regulations ([click](#))

A5.2 Students shall not attempt to forge, alter or misuse any University documents, records, 'CumbriaCards' or any other identification card.

A5.3 Students shall not invade, abuse or attempt to abuse the security, integrity or privacy of any files or confidential material (including those held within the University's computer system).

A5.4 Students shall not withhold or provide false information in any application for financial aid, disability support or other benefit or service managed by or associated with the University.

A6: Compliance with the Student Code of Conduct and Adjudication Procedure.

- A6.1 Students shall not assist, encourage or incite any other person to behave in a way which may constitute a breach of the Student Code of Conduct.
- A6.2 Students may be held responsible for any breach of the Student Code of Conduct committed by any person whom they have invited to any part of the University.
- A6.3 Students shall co-operate with the implementation of the Student Code of Conduct and Adjudication Procedure. Penalties may be applicable where a student has not engaged with the Adjudication Procedure and good reason has not been offered (eg: non-response to Adjudication by Correspondence or failure to attend an Adjudication Interview). NB: Adjudications can progress in the students' absence.
- A6.4 Students shall comply with the outcome of an adjudication, including the payment of fines and/or restitution of cost of repairs etc and abide by the actions/objectives noted.
- A6.5 Students shall not intimidate, victimise, threaten any person who has raised a grievance against them, or any witnesses who do, or refuse to, support a complaint or defence of that grievance.
- A6.6 Students found to have made vexatious allegations under the Adjudication Procedure may themselves be deemed to have breached the Student Code of Conduct and will be subject to the procedures in investigating this breach.

A7: Compliance with the law.

- A7.1 Students shall not engage in conduct which constitutes a criminal offence within the premises of the University, at institutions where students are placed or visiting as part of their studies, or elsewhere.

A8: Compliance with the University safeguarding policy and procedure.

- A8.1 Students shall not use excessive or unnecessary force in the event of having to restrain a child, young person or vulnerable adult (where it is necessary for the protection of that individual, the safety of others or the protection of property) and/or shall not apply force in order to ensure an individual carries out instructions.
- A8.2 Students shall not apply physical punishment and/or deliberately assault a child, young person or vulnerable adult at any time.
- A8.3 Students shall not behave in a way which may constitute a lack of proper regard for the privacy of a child, young person or vulnerable adult and/or make suggestive remarks, jokes etc, physical contact which although not overtly sexual has the potential to or makes the individual feel uncomfortable.

Note: Serious and/or persistent inappropriate behaviours which may constitute a criminal act may be referred directly to the Police, Social Services and/or Children's Services for investigation as appropriate. Examples include, but are not limited to:

- Assault which may constitute a criminal offence.
- Corporal punishment.
- Assault which results in persisting bruising or laceration.
- Behaviour of an overtly sexual nature.

- A8.4 Students shall not engage in any activities related to the incitement of, or participation in, acts of terrorism.

Note: There is a statutory requirement for the university to consider the "Prevent duty guidance" of the Counter Terrorism and Security Act 2015 to prevent people from being drawn into terrorism.

A9: Appropriate use of Social Media

- A9.1 Students shall not set up social media sites, post new, or reply to existing posts, on any form of social media that contravenes the University's Student Social Media Policy (see **Note** below). Although not exhaustive, students shall not use social

media, including whilst on placement or working in work based situations or elsewhere, in a manner that may be considered as:

- i. Bullying or harassment
- ii. Professional misconduct
- iii. Bringing the University into disrepute (cross referencing to element A2 above)
- iv. Showing a lack of respect and/or reasonable consideration towards others.

Note: The University's Student Social Media Policy alerts students to "Responsibilities of students on personal internet presence". It is important to note that breaches of the Student Code of Conduct and/or the code of conduct of relevant professional bodies can directly affect a student's future career. Breaches of these Codes of Conduct can also affect a student's ability to progress to the next level of study and suitability to gain professional accreditation (see also B2 and B3 below with regard to the requirements of the Teachers' Standards).

Students are urged to familiarise themselves with the Student Social Media Policy which can be found on line ([Student Handbook - University of Cumbria](#)).

(B) CODE OF CONDUCT – ACADEMIC DEPARTMENT SPECIFIC: The academic department-specific elements of the Student Code of Conduct should not be considered in isolation to other Codes listed.

B1: Codes applicable to ALL academic departments:

B1.1 Students must attend and fully engage in all learning activities in accordance with eg: programme regulations/handbooks and external body requirements e.g. Visas and Immigration where applicable.

B1.2 Students must conduct themselves appropriately in all programme-related activities, including placement experience.

B1.3 Students must comply with national regulatory framework/professional body/ external Health Trust, etc, expectations, as pertinent to the standards of professional conduct expected at the point in training that the concern is raised and comply with statutory financial bodies as relevant to the professional programme of study.

B1.4 Students may not make direct contact with External Examiners, as specified in the programme handbooks and related course documentation.

B2: Health programmes

B2.1 Students enrolled on programmes governed by professional, statutory and regulatory bodies must comply with the requirements of the University's Fitness to Practise Policy and act in a manner which protects present and future patients, service users or clients at all times.

Note: Behaviours that may contravene the Fitness to Practise policy are normally be addressed through the Student Code of Conduct and Adjudication Procedure via 'Fitness to Practise Meeting/Correspondence /Interview/Health and Conduct Committee' as appropriate.

B3: Initial Teacher Training programmes

B3.1 Students should comply with the requirements of the Teachers' Standards relating to personal and professional conduct (please refer to course team and/or handbooks for further information).

B4: Institute of Policing and Criminal Justice Studies

B4.1: All students registered on a course of study within the Institute of Policing and Criminal Justice Studies are subject the University's Student Code of Conduct and Adjudication Procedure.

B4.2: Students registered on a course involving a placement as a Special Constable, must be aware that their conduct throughout the course might impact on their ability to take up such placement and, once sworn as a Special Constable, will be required to comply with the Cumbria Constabulary Codes of Conduct which includes a number of regulatory provisions. Any alleged breaches will be addressed in conjunction with these Constabulary Codes.

B4.3: Information may be shared between the University and Cumbria Constabulary in line with agreed partner arrangements.

(C) CODE OF CONDUCT – RELEVANT TO RESIDENTIAL STUDENTS: The residential student-specific elements of the Student Code of Conduct are not isolated from those listed above.

C1.1 Students shall comply with the conditions relating to standards, behaviour and domestic arrangements as outlined in the University's Conditions of Residence.

C1.2 Students shall comply with a direction of a member of University staff, including a member of the Residence Life Team, Accommodation Office, Domestic and Estates staff and any other University Services, in the execution of their responsibilities in relation to the Conditions of Residence.

C1.3 Students shall comply with the CumbriaCard Terms & Conditions as relevant to residential students.

Note: Under the Conditions of Residence, residential students may be held responsible for any person they have invited to any part of the University and any visitors to their study bedroom/flat/hall and therefore take full responsibility for their guest's actions, and may be subject to the Adjudication Procedure.

Note: The above Code of Conduct is not exhaustive and the University reserves the right to consider/investigate other complaints not listed above.

Note: Accumulated breaches may result in more severe sanctions being applied and a formal consideration of the implications for the programme of study.

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ADJUDICATION PROCEDURE

1. Introduction and Principles

- 1.1 The Adjudication Procedure is used to consider complaints about the alleged behaviour of students enrolled with the University of Cumbria. It is not a legal process.
- 1.2 The purpose of the Adjudication Procedure is to consider whether or not a student has breached the Student Code of Conduct. Decisions are made based on:
- The weight of information available
 - Balance of probabilities
 - Test of reasonableness.
- 1.3 The Adjudication Procedure is underpinned by the principle of 'natural justice'. Students who have had an allegation, complaint or grievance made against them have the right to:
- Be informed of the nature of the alleged breach; this will always be in writing and without pre-judging the outcome.
 - Be provided with any accompanying evidence or information.
 - Respond to the allegation(s); advance notice of the appointment provides time to prepare a response.
 - Seek information, advice and guidance before, during and after appointments, normally via the [Students' Union](#).
- 1.4 Students are expected to attend an appointment, or reply to correspondence, to offer their response so an informed decision can be made by the Presenting Officer or Committee. Students can offer mitigating circumstances for consideration. Please be aware that we will need evidence in support of your mitigating circumstances, preferably provided in advance of the appointment wherever possible.
- 1.5 If a student fails, or chooses not to engage with the Adjudication Procedure, the Presenting Officer/Committee may proceed on the basis on the information available and a sanction may be applied in the student's absence. A student's right of appeal is not affected.

2. Suspensions

- 2.1 Students may be suspended pending the outcome of any appropriate investigations (internal or external).
- 2.2 Suspensions are applied without prejudice, but often unfortunately not without disruption. Academic continuity will be maintained wherever possible and appropriate. Criteria for a suspension can include, but are not restricted to suspension from:
- The University as a whole, where the complaint is especially serious.
 - Placement/practice.
 - Specific University services, premises, facilities or activities.
 - Access to the student IT account (Blackboard, student email account, CumbriaCard etc).
- 2.3 Suspensions will normally be reviewed every four weeks or sooner if new information is made available. Where a suspension is linked to external investigations, a suspension may be applied pending the outcome of those investigations.
- 2.4 If a student is alleged to have breached further elements of the Student Code of Conduct whilst suspended, s/he can expect to have those allegations considered alongside the original complaint(s).

- 2.5 Suspensions will be noted on the student's file. Where required, information may be provided to relevant external agencies.
- 2.6 Students may request that new information, offered in writing, be considered as the suspension progresses.

3. Methods of adjudication

- Fixed Penalty Notice. A fine, warning or requirement to make an apology applied for anti-social/health and safety breaches, where a student has admitted responsibility from the outset and no investigation is required.
Reference "A: FPN Procedure".
 - Adjudication/Fitness to Practise* Meeting. Used to address minor programme-related misconduct and/or minor fitness to practise concerns.
Reference "B: Adjudication/Fitness to Practise Meeting".
 - Adjudication/Fitness to Practise by Correspondence. Used to consider minor misconduct using written communications (normally email via your student email account) rather than a face-to-face appointment.
Reference "C: Adjudication/ Fitness to Practise Interview".
 - Adjudication/Fitness to Practise Interview. Used to consider more misconduct, non-compliance with other procedures and/or an accumulation of minor breaches.
Reference "D: Adjudication/Fitness to Practise Interview".
 - Health and Conduct Committee - disciplinary. Used to consider serious allegations of misconduct, non-compliance with other procedures and/or an accumulation of minor breaches.
Reference "E: Health and Conduct Committee".
- Health and Conduct Committee – health. Used to consider significant and complex health and disability matters, often referred from a Professional Practice Case Conference.
Reference "E: Health and Conduct Committee".

* Fitness to Practise is interchangeable with 'Adjudication', relevant to students enrolled on a programme governed by professional, regulatory or statutory bodies.

4. Investigating and responding to an allegation, complaint or grievance.

- 4.1 Students will be given information detailing the complaint or explaining how it is believed the Code of Conduct has been breached in advance of the adjudication appointment. The student is notified of the expectations of the adjudication and will be asked to reply, stating whether or not they have breached the code in the way described.
- 4.2 Where two or more students are subject to the same allegations or complaints, the Presenting Officer may conduct a combined enquiry where there is evidence relating to each individual student. However, students may request to be dealt with separately and should notify the Presenting Officer on receipt of the Adjudication letter.
- 4.3 Where a student outlines health-related mitigating circumstances, the Presenting Officer/Health & Conduct Committee may adjourn if it is thought desirable to obtain medical reports. Information from the medical intervention may be considered when the Committee is reconvened.

- 4.4 Reasonable adjustments can be arranged to assist students with a disability/specific learning difficulty through the Adjudication Procedure. Students are invited to make the Presenting Officer aware of any additional needs they have.
- 4.5 It is recognised that students with specific needs or responsibilities, those who are distance learners, studying part time and those on placement or who are long-distance/international students, may have difficulty attending an appointment. Therefore, it is possible for the Presenting Officer to conduct an Adjudication by other means, for example electronically or by telephone, with due consideration given to Data Protection and the security of electronic transmissions. This provision is dependent on the seriousness of the alleged breach and the Presenting Officer always reserves the right to meet the student in a face-to-face appointment. Where an Adjudication/Fitness to Practise Meeting, Interview or a Health and Conduct Committee is arranged, the student is required to attend/engage.
- 4.6 Students have the option of submitting a written statement ahead of their adjudication appointment, in addition to attending as per the method applied. This written statement is optional and can be considered by the Presenting Officer/Health and Conduct Committee as well as any other information provided verbally.
- 4.7 Students may contact the Presenting Officer to request an alternative appointment time, but changes cannot always be guaranteed.
- 4.8 Students can be accompanied to an Adjudication Meeting, Interview or Health and Conduct Committee. This would normally be a member of the Students' Union but can be a University-friend. It is expected that the student him/herself will engage directly with the Presenting Officer/Committee etc and the person(s) accompanying the student is welcome to attend, in support. Students should note that information relevant to the concerns might be discussed that s/he has not made the person(s) accompanying them aware of.
- 4.9 If preferred, students issued with a Fixed Penalty Notice or where Adjudication by Correspondence is used, may ask to have the concerns considered through an Adjudication Interview. Students should notify the Presenting Officer if this is the preference on receipt of the Fixed Penalty Notice.

5. Use of witnesses

- 5.1 Information from a witness can be presented by the person making and/or the student subject to an allegation. Each is responsible for identifying and securing his/her own witnesses where applicable. Witnesses will not normally be present throughout an adjudication, but may be invited to present his/her information at the relevant time before withdrawing.
- 5.2 If information is received alleging inappropriate behaviour towards a witness or someone who has declined to be a witness, the Presenting Officer may consider this during the adjudication or following a concluded investigation. (See further guidance, Appendix 2).

6. Outcomes of adjudications

- 6.1 After consideration of the information available, the Presenting Officer or Health and Conduct Committee – disciplinary - will determine whether:
- (a) Allegations should be dismissed as unfounded, trivial, lacking in evidence or vexatious.
 - (b) A breach has occurred and an appropriate sanction(s) is applied (see “F: Outcomes and Sanctions”).
 - (c) To refer to an alternative Adjudication method either for further consideration (normally where the concerns are more serious than first anticipated), for the application of a sanction more serious than those listed in “F: Outcomes and Sanctions”, or, following an Adjudication Interview, to refer to Chair’s Action (Section 7 below).
- 6.2 A range of outcomes and/or sanctions may be applied when a breach is found to have occurred. Sanctions should be relevant and proportionate to the breach. The list of possible sanctions may be amended periodically. (See “F: Outcomes and Sanctions”, for examples).
- 6.3 Where appropriate, signposting to internal or external services may be recommended eg. GP, counsellor or occupational health.

7. Chair’s Action

- 7.1 Following an Adjudication/Fitness to Practise Interview, the Presenting Officer may refer a completed enquiry to Chair’s Action where:
- A full consideration of all available information has been carried out AND
 - A breach(es) has been admitted or found and a more severe sanction than can be applied by an Adjudication Officer at an Interview is required.
- 7.2 Chair’s Action is not applicable when:
- Where there is a need to conduct further enquiries or seek additional information, before deciding whether Codes have been breached.
- 7.3 The Chair of a Health and Conduct Committee – disciplinary, may approve a more serious sanction than would normally be considered at an Adjudication Interview. The Chair reserves the right to require further considerations or convene a Committee if appropriate.

8. Appealing against the outcomes and the Office of the Independent Adjudicator

- 8.1 A student may appeal against the decisions made through an adjudication by completing an “Adjudication Appeal Form” (download from <http://my.cumbria.ac.uk/StudentLife/Support/PuttingThingsRight/StudentConduct.aspx>) and submitting to studentprocedures@cumbria.ac.uk within 10 working days of the date of notification of the outcome. The appeal must include all relevant information in support of the appeal and state the grounds applicable.
- 8.2 If all internal appeal routes have been exhausted and the student is not content with the outcome of an appeal, s/he may apply to the Office of the Independent Adjudicator (OIA), subject to the OIA’s scope and eligibility. See Student Code of Conduct S11 ‘External Redress’ and “G: Adjudication Appeals Procedure”.

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A: FIXED PENALTY NOTICE PROCEDURE

A1. A Fixed Penalty Notice may be issued where all of the following criteria are met:

- i) An incident/complaint is reported to a University staff member.
- ii) The student(s) concerned is identified, approached (face-to-face, electronically or by phone) with details of the complaint and made aware that a sanction may be applied if the breach is admitted.
- iii) The student(s) concerned admits to the breach/takes responsibility for the concerns.

A2. A copy of the incident report or complaint will be provided to the student along with the Fixed Penalty Notice form confirming the sanction applied and the Fixed Penalty Notice Appeal information. Students can request an Adjudication Interview as an alternative.

A3. Sanctions/penalties from a Fixed Penalty Notice include fines[^] (maximum amounts indicated) and/or formal written warnings or a requirement to make a formal apology. Examples of behaviour include, but are not limited to:

Anti-Social behaviour:

- Noise disturbance (£50.00)
- Cleanliness of flat/halls (£30.00)*
- Lack of respect for fellow students and staff (£25.00)
- Unauthorised visitors to hall/room/flat (£20.00)
- Vandalism (£20.00 plus repair/replacement costs)**
- Minor damage to property (£20.00 plus repair/replacement costs)**
- Littering within or outside of halls, including cigarette butts (£15.00)
- Failure to provide student identification at the reasonable request of a member of University staff or staff working with the University (£10.00)

Contravention of health and safety regulations:

- Smoking in unauthorised areas (£50.00) & use of candles etc (£30.00)
- Setting off fire alarm (eg. unattended cooking etc) (£50.00)
- Tampering/misuse of fire equipment eg. fire extinguishers, fire doors, blankets, fire alarm points, smoke detectors etc (£50.00 plus refill/repair costs)
- Failure/refusal to evacuate in the event of a fire alarm (£50.00)
- Breaching security within halls of residence (£30.00)
- Misuse of first aid box (£25.00 plus replacement of items where applicable)
- Misuse of University-provided personal safety equipment eg. panic alarms (£25.00)

[^] The Presenting Officer may decide it appropriate, based on the response from the student, suspend all or part of the fine. NB: The fine will be reinstated if further breaches of the Student Code of Conduct occur in the future.

* Where long term cleanliness is a problem or severe enough to require charges for deep cleaning, the student may be subject to direct charges under the Conditions of Residence or the Adjudication Procedure, which may result in more severe sanctions.

** Damage/cleaning required from food fights, graffiti, misuse of University property/equipment for example.

A5. Actions deemed to have potentially serious implications under health and safety regulations may be considered through an Adjudication Interview or Health and Conduct Committee (conduct) for consideration in relation to course expectations.

A6. More than one incident can be included on one Fixed Penalty Notice form, provided they all comply with A1 above.

A7. A copy of the Notice will be placed on the student's file.

A8. Where a financial penalty is applied, students are required to pay the value of the Notice on receipt of the invoice, in line with the University's Finance procedures. Non-payment will be subject to the University's debt management procedures and may in some cases, be referred to a debt collection agency. All monies collected from any of the Adjudication Procedures are paid into the University's student hardship fund.

B: ADJUDICATION/FITNESS TO PRACTISE MEETING (Academic programmes)

- B1. Minor misconduct may be addressed by identified academic staff through an Adjudication/Fitness to Practise Meeting, for example, poor/non-attendance, minor unprofessionalism and disruptive behaviour.
- B2. Students will be given reasonable notice of the appointment and will be provided with information relating to the concerns in writing, either within the appointment letter or as attachments. Students are required to attend an Adjudication Meeting. When responding, students will have the opportunity to offer mitigating circumstances if applicable.
- B3. Alternative arrangements can be made to address these concerns, with the agreement of all parties, for example, an Adjudication Meeting can take place by phone/Skype etc.
- B4. Students can be accompanied to an Adjudication Meeting. This would normally be a member of the Students' Union but can be a University-friend. It is expected that the student him/herself will engage directly with the host of the appointment and the person(s) accompanying the student is welcome to attend for support. Students should note that information relevant to the concerns may be discussed that s/he has not made the person(s) accompanying them aware of.
- B5. Students with a disability or specific learning difficulty are invited to notify the host of the Adjudication Meeting in advance if they would like additional assistance during the process.
- B6. Where it is judged that misconduct has occurred or has been admitted, appropriate outcomes and/or sanctions may be applied which may include one or more of the following, but are not exhaustive: -
- a) Acknowledgement of the breaches but no further action.
 - b) Participation/development of a project or activity, relevant to the nature of the breach.
 - c) Verbal warning, recorded on the student file.
 - d) Written warning, recorded on the student file.
 - e) Referral to an Adjudication/Fitness to Practise Interview or Health and Conduct Committee (disciplinary).
- B7. In all cases the student will be provided with a copy of the Action Plan and a copy will be placed on the student's locally held file. A copy may also be passed to relevant University staff and/or relevant external bodies as appropriate to the circumstances.
- B8. If no misconduct is found, students will receive a copy of the Action Plan as a record of the meeting for information. A copy will not be held on the student's file.
- B9. Not complying with this procedure or the resulting action plan where applicable, may result in a referral to an Adjudication/Fitness to Practise Interview or Health and Conduct Committee (disciplinary).

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C: ADJUDICATION BY CORRESPONDENCE

- C1. Adjudication by Correspondence is used for minor misconduct where it is not necessary to meet with the student face-to-face in order to carry out an investigation.
- C2. The Presenting Officer will contact the student by email, outlining the concerns and how they relate to the elements of the Code of Conduct (see "S16, Student Code of Conduct"); the correspondence will include supporting documentation where applicable.
- C3. The student should respond within ten working days of the date of the letter and either:
- (a) Deny the breach and offer a statement/evidence/information to support this denial
 - (b) Admit to the breach
 - (c) Admit to the breach and offer mitigating circumstances.

Students with a disability or specific learning difficulty are invited to notify the Presenting Officer on receipt of the initial letter if they would like additional assistance through the process.

Students can request an Adjudication Interview as an alternative.

- C4. On receipt of the response, the Presenting Officer reserves the right to arrange or refer the matter to an Adjudication/ Fitness to Practise Interview/ Health and Conduct Committee should there be a need to explore the response further.
- C5. The student will be informed by email of:
- The outcomes of the investigation.
 - Outcomes and or sanctions applied where applicable (See "F: Outcomes and Sanctions").
 - The right to appeal against a decision and/or level of sanction where breaches are admitted or found to have occurred (See "G: Appealing against an Adjudication outcome").
- C6. Where breaches have occurred, a copy of the Correspondence will be placed on the student's file. The outcome may also be passed to relevant external bodies if applicable.
- C7. Where it is found that no breaches have occurred, the student will be provided with a copy of the outcome in writing but Correspondence will not be placed on the student's file.

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D: ADJUDICATION/FITNESS TO PRACTISE INTERVIEW

- D1. An Adjudication/Fitness to Practise Interview is held where it is appropriate to meet with the student in order to investigate and consider an allegation/complaint and is carried out by a Presenting Officer.
- D2. An Adjudication/Fitness to Practise Interview may be convened in, but is not limited to, the following circumstances:
- a) Requested by a student as a result of Adjudication by Correspondence or application of a Fixed Penalty Notice.
 - b) Recommended by an Presenting Officer on receipt of a response when initially investigated by Correspondence or from a Meeting.
 - c) As a result of non-compliance with the requirements of an Adjudication/Fitness to Practise Meeting, Adjudication by Correspondence, a Fixed Penalty Notice or non-compliance with the Student Progress Review.
 - d) Recommended by a Presenting Officer where a complaint/allegation is more serious than one which could be dealt with by Correspondence or Meeting.
 - e) On completion of any Police or other criminal investigations.
 - f) As a result of a vexatious allegation under the Adjudication Procedure or complaint under the Student Complaints Policy and Procedure.
 - g) Following communication from a student as a result of the 4 week rule (referring to matters of non-attendance as stated in Academic Regulations: Attendance).
 - h) To consider the implications of a Malpractice Panel outcome.
 - i) As a referral from a Professional Practice Case Conference.
- D3. When the Presenting Officer has gathered as much relevant information as appropriate, s/he will contact the student in writing outlining the nature of the concerns raised and how they relate to the elements of the Code of Conduct; the correspondence will include any supporting documentation, the date, time and location of the Interview.

Students with a disability or specific learning difficulty are invited to notify the Presenting Officer on receipt of the initial letter if they would like additional assistance through the process.

- D4. The student will be given at least 3 working days' notice of the Interview. Students may be required to give apologies to prior engagements, including lectures, placement, work and commitments outside of term time. Students may contact the Presenting Officer to request an alternative appointment time but changes cannot be guaranteed.
- D5. Students can be accompanied to an Adjudication Interview. This would normally be a member of the Students' Union but can be a University-friend. It is expected that the student him/herself will engage directly with the Presenting Officer and the person(s) accompanying the student is welcome to attend, in support. Students should note that information relevant to the concerns may be discussed that s/he has not made the person(s) accompanying them aware of.

D6. Present at an Adjudication/Fitness to Practise Interview:

- a) Presenting Officer: The staff member identified to conduct the adjudication enquiries. The Presenting Officer may bring forward witnesses as appropriate.
- b) The student under consideration: will be present to offer a response to the concerns raised which are sent in advance. S/he may bring forward witnesses as appropriate to support the response in addition to a supporter as noted above. Information about witnesses can be found in Appendix 2.
- c) Academic department /external representative: Where there are potential professional implications a representative of the academic department and/or professional/regulatory body may be present. This may include course team members or relevant external representatives to help inform discussions. The representative(s) may

contribute to the discussions, particularly in relation to professional/ registration matters, but will not form part of the decision-making process when determining whether a breach of the Student Code of Conduct has occurred. The representative may be asked to withdraw when the Presenting Officer wishes to make their final judgements.

d) A note taker may be present, to take notes that will inform the Short Report.

D7. At the Interview, the student will be asked if s/he:

- (a) Denies the breach and offers a statement/evidence/information to support this denial
- (b) Admits to the breach
- (c) Admits to the breach and offers mitigating circumstances.

D8. At any point in the Interview, the Presenting Officer may agree to adjourn in order for further enquiries to be carried out (including referral back to the person who made the initial allegation/complaint). If new information then becomes available, the student will be provided with a copy and be given time to consider the information before the Interview is reconvened.

D9. Where a student outlines health-related mitigating circumstances, the adjudication may be adjourned if it is desirable to obtain medical reports.

D10. If the Presenting Officer requires additional time to determine an outcome, s/he will inform the student that s/he will be contacted in writing, normally within five working days of the Interview.

D11. Outcomes of the Adjudication/Fitness to Practise Interview: The student will be informed in writing of:

- a) The outcomes of the investigation, in the form of a Short Report.
- b) Sanctions to be applied where applicable (See "F: Outcomes and Sanctions").
- c) The right to appeal against a decision and/or level of sanction where breaches are admitted or are found to have occurred (See "G: Appealing against an Adjudication outcome").

D12. The student will be provided with a copy of the outcome in writing – the formal record of the Interview. Where breaches have occurred, a copy of the Short Report will be placed on the student's file. The outcome may also be referred to relevant external bodies as appropriate to the circumstances.

D13. Where it is found that no breaches have occurred papers from the adjudication will not be placed on the student's file.

D14. The Presenting Officer reserves the right to decide an outcome in the absence of the student if s/he fails to attend the appointment without advance notice.

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E: HEALTH AND CONDUCT COMMITTEE

There are two forms of Health and Conduct Committee each following a similar process.

E1. Health and Conduct Committee – health: applicable to programmes governed by professional, statutory and regulatory bodies. The Committee will normally, although not exclusively, be arranged, for example:

- Following a referral from a Professional Practice Case Conference
- To consider complex health, disability and or spld matters and the impact on a students' ability to achieve programme outcomes
- To consider if there are concerns in respect of the future protection and safeguarding of the public.

NB: THIS IS NOT A DISCIPLINARY COMMITTEE.

E2. Health and Conduct Committee – disciplinary: applicable to all students, regardless of programme of study, to consider whether or not there has been a breached the student Code of Conduct. The Committee will normally, although not exclusively, be arranged, for example:

- Where an allegation or complaint is believed to be more serious than one which could be dealt with at an Adjudication/Fitness to Practise Interview
- Where there is evidence of an accumulation of concerns.
- To consider the implications of the outcome of a Malpractice hearing.
- To consider the implications of an external investigation (criminal or professional body etc)
- Following a referral from a Professional Practice Case Conference

E3. Applicable to all Health and Conduct Committees

- A Committee will:
 - Consider the concerns brought forward, the response and contributions from the student
 - Is made up of a Chair, an independent University staff member and a representative of the Students' Union, not previously involved in the case.
- Students with a disability or specific learning difficulty are invited to notify the Chair in advance of the Committee if they would like additional assistance through the process.
- The student will be contacted in writing with an outline of the nature of the concerns raised and will include any supporting documentation, the date, time and location of the Committee. Concerns about conduct will be mapped to applicable elements of the Student Code of Conduct.
- No fewer than 10 working days' notice of the Committee date, including all information for consideration, will be given to the student. Students may be required to give apologies to prior engagements, including lectures, placement, work and commitments outside of term time. Students may contact the Chair of the Committee to request an alternative appointment time/date, but changes cannot be guaranteed.
- If they wish, students can submit a written statement no later than 5 working days before the Committee. This will be circulated to Committee members, the Presenting Officer and external representative if applicable.
- If the student fails to attend the Committee without advance notice or good reason, the Committee reserves the right to determine an outcome in his/her absence, based on the information available. The Committee Chair may agree to arrange a new date to give the student the opportunity to engage with the procedure.

- vii. Students can be accompanied to a Committee. This would normally be a member of the Students' Union but can be a University-friend. It is expected that the student him/herself will engage directly with the Committee etc and the person(s) accompanying the student is welcome to attend, in support only. Students should note that information relevant to the concerns might be discussed that s/he has not made the person(s) accompanying them aware of.
- viii. Students may bring witnesses to the Committee if they wish. The names of the witnesses should be sent to the Committee Chair, again no later than 5 working days before the Committee as appropriate and will be forwarded to the Presenting Officer for reference (Appendix 2 has guidance for students relating to witnesses).

E4. At a Health and Conduct Committee - all:

- i. At any Committee, the Chair will, after making introductions, offer the student and the Presenting Officer the opportunity to discuss and raise any pertinent points to enable the Committee make a decision about the outcome (F: OUTCOMES AND SANCTIONS).
- ii. If present, the external representative from the field may be asked to contribute a professional view in respect of the information discussed, but does not form a decision making part of the Committee.
- iii. A Committee may be adjourned if further enquiries need to be carried out before a decision can be reached. This might include obtaining medical information/evidence, follow up with a person not present at the Committee etc. If new information becomes available, the student will be provided with a copy and be given time to consider the information before the Committee reconvenes.
- iv. When the Committee has considered sufficient information to make a decision, the Chair will ask all present to withdraw while the Committee deliberates; the note taker will remain present.
- v. Where possible, the outcome will be given verbally to the student immediately following deliberations. However, the Committee may wish to take additional time to make its decision. A formal written outcome will be provided within 5 working days of the Committee date. This will include information about making an appeal where applicable.
- vi. A copy of the outcome/Short Report will be placed on the student's file*. The outcome may also be notified to relevant external bodies as appropriate to the circumstances.

E5. At a Health and Conduct Committee – disciplinary:

- i. After introductions, students will be asked if they:
 - (a) Deny breaching the code(s) and wish to offer a statement/evidence/information to support this denial
 - (b) Admit breaching the code(s)
 - (c) Admit breaching the code(s) and offers mitigating circumstances.
- ii. The Committee will determine one of the following outcomes:
 - (a) The allegation, complaint or grievance will be dismissed as unfounded, trivial, lacking in evidence or vexatious.
 - (b) The breach(es) has been admitted, or has been found to have occurred, and where relevant apply an appropriate sanction (see "F: Outcomes and Sanctions").

* Where it is found that no breaches have occurred papers from the Committee will not be placed on the student's file.

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F: OUTCOMES AND SANCTIONS

F1. Adjudication/Fitness to Practise Meeting

Outcomes include:

- a) A requirement to fulfil an action plan outlining appropriate performance targets by the Presenting Officer.
- b) A requirement to undertake a project or activity, relevant to the nature of the breach (this can be in consultation with other personnel within the University/ Students' Union). This could include, but is not limited to, helping to organise and participate in a relevant educational programme or activity, preparing an information bulletin from which other students could learn and/or attending (if available) a special class or lecture (a health and safety class, anger management session, for example).
- c) A recommendation/requirement to undertake personal/professional development/ counselling and/or seek medical advice.

Sanctions should be proportionate to the breach and can be one or more of the following:

- d) Receiving a formal and recorded verbal warning.
- e) Receiving a formal and recorded written warning.
- f) Making a written or verbal apology.

Adjudication by Correspondence & Adjudication/Fitness to Practise Interview.

Examples of outcomes and sanctions include:

- a) to f) above
- g) A requirement to pay full or partial restitution of the cost of the damage or loss suffered by the University or the property of the person making the allegation.
- h) A request to move to alternative University residences (where the student is residential and the accommodation contract permits).
- i) A notice being held on file barring future residence within University residences.
- j) Being prohibited from entering specified University residences (whether student is a resident or not).
- k) Receiving a fine up to a maximum of £50.00 (Adjudication by Correspondence) or £75.00 (Adjudication Interview) for each breach of the Student Code of Conduct.

The total fine amount will be capped at £200 (Adjudication by Correspondence) and £400 (Adjudication Interview) where more than one breach is found to have occurred and fines are applied. This should not be confused with a separate figure where restitution of costs/damage etc may be applicable and are invoiced separately.

All fines will be paid into the University operated hardship fund for students.

F3. Health and Conduct Committee

Health and Conduct Committee – health

Examples of outcomes include:

- l) Requirement to fulfil an Action Plan whilst studies continue. This might include recommended signposting to internal or external services as appropriate, including Occupational Health (review of existing or referral to new assessment).
- m) Suspending the student's attendance and engagement with all or part of their programme pending completion of the Action Plan.
- n) Recommend the student requests intercalation, submits extenuating circumstances, or withdraws if appropriate.
- o) Discontinuing the student if there are concerns in respect of the future protection and safeguarding of the public.

Health and Conduct Committee – disciplinary

Examples of outcomes include:

- a) to j) above.

- p) The exclusion or temporary suspension of the student from University residences. This shall mean that the student ceases to reside in a University residence at a specified date or a specified period.

- q) The temporary or permanent exclusion from a University service(s) (e.g. the Library, computer network or University bars).

- r) A fine up to a maximum of £150.00 for each breach of the Student Code of Conduct; all payments to be made into the University operated hardship fund. The total fine amount will be capped at £600 where more than one breach is found to have occurred and fines are applied. This should not be confused with a separate figure where restitution of costs/damage etc may be applicable and are invoiced separately.

- s) The Committee may also determine one of the following to be appropriate:
 - i. To suspend, withhold or withdraw a University award.
 - ii. To suspend the student from the University for a specified period of time. This will mean that the student ceases to be a registered student on a specified date and will not be allowed to re-enrol for a period of time to be determined when the sanction is imposed, but which shall normally be no longer than twelve months.
 - iii. To deregister the student from the University*. This will mean that the student ceases to be an enrolled student on a specified date. Residential students will no longer be entitled to reside in University-owned accommodation and will have their contract terminated. Consideration may be given to whether the student may be entitled to re-enrol on any future occasion.
 - iv. To deregister the student from part of their course* – eg: the professional element. It may be possible to offer the student an exit award or continuance on a non-professional course of study.
 - v. International Students under Tier 4 of the Points-based System: University to withdraw sponsorship and to report to the UK Visas and Immigration. Termination of the student's right to remain in the UK under their Tier 4 visa.

* The Committee should specify whether the student might apply for a course of study (same or new) in the future.

F4. Where the Committee is not chaired by the Dean, the Chair will recommend outcomes and sanctions in F3s) above to the Dean for approval.

F5. Individual outcomes and sanctions may be applied for each Code breached and any combination of the above sanctions may be applied. Exceptionally, where none of the above are deemed to be appropriate, another alternative outcome or sanction can be applied, if the Director of Student Academic and Administration Service or designee approves it.

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G: APPEALING ABOUT AN ADJUDICATION OUTCOME

Students can make an appeal, subject to grounds, in relation to their engagement with and/or outcome of Adjudication/Fitness to Practise by Correspondence or Interview or a Health and Conduct Committee.

Students should use the “**Fitness to Practise / Adjudication / Health and Conduct Committee Appeal Form**” available on line from: www.cumbria.ac.uk/studentconduct and identify one or more of the following grounds:

- i. You have new material evidence available that could not be provided earlier.
- ii. You have evidence that the procedure for your Correspondence, Interview or Committee was not followed correctly.
- iii. You believe the sanction is not proportionate or relevant to the code(s) breached.

Please note:

- You must have the permission of any third party (eg: other students, staff etc) before naming them in a statement.
- We may not accept additional information later, unless you can tell us good reasons why it could not be included with your appeal form.
- You should list any documents attached to support your adjudication appeal if applicable.

Appeals should be submitted in writing to studentprocedures@cumbria.ac.uk, within 10 working days of the date of notification of the outcome.

On receipt of all appeals, an initial assessment will confirm whether grounds have been identified and evidenced. Clarification and/or additional information may be requested from the student if necessary.

Where no grounds are evidenced: The appeal will not be progressed and the student will be notified of this decision and the internal procedures will be considered closed. Information regarding the Office of the Independent Adjudicator will be provided in the form of a Completion of Procedures letter.

Where grounds are evidenced: The information offered by the student will be reviewed to decide if the appeal can be upheld or will be not upheld.

Ground	Possible outcomes The evidence/ information will be reviewed to decide if it makes a material difference to the original outcome.
i. You have new material evidence available that could not be provided earlier.	<p>Appeal upheld – resulting in either:</p> <p>a) Decisions altered eg: dismiss the breaches or amend the sanctions.</p> <p>b) A new/reopen the Adjudication to consider the new evidence. This may include the original Presenting Officer and may or may not result in any changes.</p> <p>Appeal not upheld - There may be no changes made to the decision or outcomes. An independent, senior University manager will normally review this decision.</p>
ii. You have evidence that the procedure for your Correspondence, Interview or Committee was not followed correctly.	<p>Appeal upheld – resulting in either:</p> <p>a) Decisions altered eg: dismiss the breaches or amend the sanctions.</p> <p>b) A new Adjudication to consider the concerns afresh, with new people involved. This may or may not result in any changes.</p> <p>Appeal not upheld - No procedural error is identified,</p>

	therefore no change to the outcomes; normally reviewed by an independent, senior University manager.
iii. You believe the sanction is not proportionate or relevant to the code(s) breached.	<p>Appeal upheld – resulting in either:</p> <p>a) Sanction(s) being reduced b) Sanctions being removed.</p> <p>Appeal not upheld: No change to the sanction(s); normally reviewed by an independent, senior University manager.</p>

Where a new Adjudication is required, the appointment will be arranged at the earliest opportunity, taking into account the minimum notice period for students, as described in Sections C, D and E above.

An Appeal against a Fixed Penalty Notice: Students can appeal, subject to grounds, in relation the outcome of a Fixed Penalty Notice.

Students should use the FPN Appeal form attached to the original Fixed Penalty Notice and identify one or more of the following grounds:

- a) You can offer appropriate mitigating circumstances which for good reason could not be provided when first approached by the University
- b) You have evidence that the Fixed Penalty Notice Procedure has not been applied as set out in "A: Fixed Penalty Notice", pages 17-18.
- c) You have evidence that the penalty is disproportionate to the breach.

Please note:

- You must have the permission of any third party (eg: other students, staff etc) before naming them in a statement.
- We may not accept additional information later, unless you can tell us good reasons why it could not be included with your appeal form.
- You should list any documents attached to support your adjudication appeal if applicable.

Appeals should be submitted in writing to studentprocedures@cumbria.ac.uk, within 10 working days of the date of notification of the outcome.

On receipt of all appeals, an initial assessment will confirm whether grounds have been identified and evidenced. Clarification and/or additional information may be requested from the student if necessary.

Where no grounds are evidenced: The appeal will not be progressed and the student will be notified of this decision and the internal procedures will be considered closed. Information regarding the Office of the Independent Adjudicator will be provided in the form of a Completion of Procedures letter.

Where grounds are evidenced: The information offered by the student will be reviewed to decide if the appeal can be upheld or will be not upheld.

Ground	Possible outcomes
	The evidence/ information will be reviewed to decide if it makes a material difference to the original outcome.
a) You can offer mitigating circumstances and reasons why they could not be provided when issued with the FPN.	<p>Appeal upheld – resulting in eg:</p> <p>a) Amend the outcomes or sanctions.</p> <p>Appeal not upheld - No changes made to the outcomes or sanctions.</p>
b) You have evidence that the Fixed Penalty Notice Procedure has not been	<p>Appeal upheld – resulting in either:</p> <p>a) Decisions altered eg: dismiss the breaches or amend the outcomes or sanctions.</p>

<p>applied as set out in "A: Fixed Penalty Notice" pages 17-18.</p>	<p>b) The Fixed Penalty Notice is removed and no further action is taken. c) A new FPN issued. d) The concerns are referred to an Adjudication Interview to consider the concerns afresh. This may or may not result in any changes.</p> <p>Appeal not upheld – No procedural error is identified, therefore no change to the outcomes or sanctions.</p>
<p>c) You have evidence that the penalty is disproportionate to the breach.</p>	<p>Appeal upheld – resulting in either: a) Sanction(s) reduced b) Sanction(s) removed and no further action taken.</p> <p>An outcome may be applied as an alternative to a sanction.</p> <p>Appeal not upheld: No change to the sanction(s); normally reviewed by an independent, senior University manager.</p>

In all appeals, the decision of the independent, senior University manager is final. Students will be issued with the decision and a Completion of Procedures Letter, with information about the Office of the Independent Adjudicator.

External Redress – Office of the Independent Adjudicator: Students are provided with a Completion of Procedures letter on conclusion of any of the above appeal methods and are informed of their right to appeal to the Office of the Independent Adjudicator should they be dissatisfied with the outcome of the internal appeal (see also Student Code of Conduct S14). Information about the OIA can be found online: www.oiahe.org.uk.

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Appendix 1: Presenting Officers

It is important that adjudication matters are dealt with at the appropriate operational level within the University and at the earliest opportunity. The University has designated Presenting Officers within all Services and the Deanery, who have the authority to respond to allegations, complaints or grievances through a range of adjudication methods as appropriate to the circumstances: Fixed Penalty Notice, Adjudication by Correspondence, Adjudication Meetings, Adjudication Interviews and Health and Conduct Committees.

The term 'fitness to practise (FtP)' and 'adjudication' is interchangeable. FtP appointments are arranged with students enrolled on programmes governed by professional, statutory and regulatory bodies.

Presenting Officers will consult with the Dean (academic departments) or the Head of Campus Services (Facilities Management/accommodation) if there is a recommendation for more severe or alternative outcomes or sanctions to be applied following an adjudication.

The Director of Student Academic and Administration Service (SAAS) has strategic responsibility for this policy and procedure and has authority within all areas of the Student Code of Conduct, where there is no conflict of interest. The Student Policies Manager has operational responsibilities for the Student Code of Conduct and Adjudication Procedure.

Appendix 2: Guidance Notes: Making a Complaint, Witnesses and Incident Reporting

1. Making a complaint about student conduct

1.1 In order to progress an enquiry, complaints against students must be made in writing, via a written letter, statement or through an Incident Report. The written complaint must be signed and dated prior to being submitted. Any documentation, including witness reports, will be made available to all those involved in the Adjudication Procedure.

2. Witnesses

2.1 Witnesses, referenced in S6 of the Adjudication Procedure, can be a valuable element in any adjudication enquiry and both the person making and the student subject to the complaint, may utilise witnesses to support their case.

2.2 Making arrangements for the involvement of a witness varies according to the circumstances and is the responsibility of:

- **The student subject to the allegation** wishing to bring a witness forward to support his/her response to the concerns raised, applicable to any method within the Adjudication Procedure. Students should be guided by the correspondence as to whether they need to inform the Presenting Officer or Health and Conduct Committee in advance if witnesses are to be introduced.
- **The person making a complaint/allegation** should notify the relevant Presenting Officer in support of the concerns raised.
- **The Presenting Officer** at a Health and Conduct Committee to ensure that witnesses are provided with all relevant information, including the time, date and location of the investigation.

2.3 Witnesses should be used in the literal sense and be in a position to report specifically in relation to the alleged incident. There are a number of factors to consider when thinking about using witnesses:

- Being a witness is not mandatory. Whilst useful, no person should feel obliged to act as a witness.
- No person who agrees to act as a witness, or chooses not to act as a witness, should be treated inappropriately (eg. intimidated, victimised, threatened) at any time, including after an investigation is completed, by any party. Complaints about intimidation may be investigated through the Adjudication Procedure and any witness who feels they have been treated inappropriately should contact the relevant Presenting Officer.
- Written witness testimonies cannot be anonymous and must be signed and dated prior to being submitted. Any documentation, including witness reports, will be made available to all those involved in the Adjudication Procedure.
- A witness can also be asked to attend an Adjudication Interview or Committee (by either the person making, or the student subject to, the complaint). Again, this is helpful, but the witness cannot be forced to attend.

2.4 Witness testimony

The text/report produced must be:

- Factual and objective.
- Concise and relevant to the allegation itself – eg. specifying times, dates, locations, personnel involved etc.
- Without unsupported opinions.
- Signed and dated by the person producing it.

2.5 If a (potential) witness has any questions or concerns about the role they might play in an Adjudication Procedure, they may seek further advice and information from the Students' Union or Student Academic and Administration Service (SAAS).

2.6 NB: relevant members of staff may attend an adjudication in order to help inform discussions but are not necessarily considered witnesses. Please note the definition of 'witness' in S2.3 above and reference to possible attendees within D and E above.

3. Incident Reporting

3.1 Incident Reports are usually pre-printed forms and should be completed according to the guidance available, making reference to the advice above. An Incident Report can be obtained from the university reception points.

POLICY SCHEDULE	
Policy title	Student Code of Conduct
Service responsible	Student Academic and Administration Service (SAAS)
Policy lead contact	Sarah Prince, SAAS Student Policies Manager
Approving body	Academic Board
Date of first approval	July 2007 (for University of Cumbria)
Date of implementation	1 st August 2007
Version no.	V6 2016-17
Related Procedures	Adjudication Procedure
Amendments approved and implemented	August 2016 (to be noted by Academic Board Autumn 2016); September 2015; September 2014; September 2013 (triennial review); September 2012; September 2011; September 2010; February 2010; September 2009; August 2008.
Review interval	3 years

Revisions:

August 2016:

- Minor refinement of text for better clarity.
- Introduction of the Health and Conduct Committee, replacing the Adjudication Hearing. The Committee considers serious complaints about conduct as well as considers reports from a Professional Practice Case Conference regarding

either conduct (existing process renamed) or complex health for students enrolled on professional, statutory or regulatory body programmes (new).

- Adjudication Officer renamed 'Presenting Officer' to better reflect the role and to be applicable to health and disciplinary-related Health and Conduct Committees.

March 2016:

- Inclusion of reference to PREVENT – reflecting legislative changes and the University's responsibilities under the Counter Terrorism and Security Act 2015.

September 2015:

- Revised information ref:
 - sanctions to include and differentiate from outcomes
 - Clarification regarding the extent of deregistration and whether or not the student may apply to return to their course, or a new one, in the future.
- Replaced reference to Faculty with Deanery and/or academic department(s)

September 2014:

- Replaced UK Border Agency with new title, UK Visas and Immigration.
- Clarified suspensions where external investigations are required.
- Addition of Code B3.1 relating to the national Teaching Standards.

September 2013: Triennial review: following consultation with Adjudication Officers and the Students' Union:

- Replaced 'registered' for 'enrolled' within scope.
- Updated role titles, procedure titles and web addresses
- Added references throughout to UK Border Agency regulations and reporting requirements.
- Further clarified information regarding the student being accompanied to an adjudication.
- Broadened codes to better incorporate eg: misuse of illegal substances, provision of fraudulent information when making claim for expenses.
- Updated references to the Students' Union.

September 2012:

- Clarified process of appeals for each method of adjudication and increased scope of appeals against Fixed Penalty Notices.
- Clarified information regarding the student being accompanied to an adjudication
- Updated role titles, procedure titles and web addresses.

Printed copies of the policy and procedure are uncontrolled and cannot be guaranteed to constitute the current version of the policy. Please refer to the web version: www.cumbria.ac.uk/studentconduct

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