

Statement of Student Conduct

As a Middlesex student, you are expected to conduct yourself at all times in a manner which demonstrates respect for the university, your fellow students and its staff. You are an ambassador for the university, and you are expected to behave in a way that enhances the reputation of the university and all of its students and graduates, and that is sensitive to our culturally diverse environment. You are encouraged, with the support of the university, to engage actively in the learning process, to be fully committed to your studies and determined to succeed.

Preamble

These Rules are intended to provide fair and orderly procedures for maintaining reasonable student conduct and behaviour while enrolled with the University.

The Rules will be used so as to protect the right of all students to pursue argument, discussion and activities proper to their study in higher education. All students are encouraged to participate in debate and a wide range of activities, whether this be directly related to their own study programmes or to matters of wider community and public interest. Equally, all students are expected to respect the rights of others to study, to work, and to participate freely in the life of the institution. This is consistent with the Mission Statement of the University, with the traditions of higher education and with freedom of speech and association in a democratic society.

The Rules are set out in clear stages so as to be a guide to students and to staff. Except in the case of serious offences, the penalties are intended to operate as a series of warnings, with the authority to suspend or expel a student from the University being reserved to a member of the Executive, or nominee from Senior Management (normally the Head of Student Services (Deputy Academic Registrar)). It is the intention of these Rules to encourage the development of mutual respect between students, staff and University management. To this end it is important that students exercise their rights responsibly and with respect for others, and so contribute to the orderly running of the institution as a whole. This is the context in which these Rules and procedures should be read and used.

Rules on student conduct and discipline

In the exercise of the powers conferred upon it under Article 12.3 of the Articles of Government made on 29 March 1993 the Board of Governors makes the following Rules concerning the conduct and discipline of students. Action taken under these Rules shall supersede any action taken under any other rules relating to the conduct of those enrolled with the University.

A General regulations

1 Students are accepted subject to their signed agreement, as part of the enrolment process each year, that they will comply with:

1.1 the Articles of Government for Middlesex University as for the time being in force (a copy may be seen on application to the Clerk to the Board);

1.2 the code of conduct, the rules for discipline, or such other lawful regulations or directions as may at any time be made or given by or on behalf of the Board of Governors or the Vice-Chancellor with reference to the conduct or management of the University, being regulations or directions, either notified to the student individually or displayed within the University wherever general notices to students are usually displayed.

2 Students shall observe all lawful regulations or directions in relation to their attendance and their studies which may be made or given by staff of the University acting by authority of the Vice-Chancellor.

3 Students shall observe all lawful regulations or directions in relation to the effective organisation and management of the University, which may be made or given by staff of or contractors to the University acting by authority of the Vice-Chancellor (for example, regulations or directions in relation to safety, car parking, the occupancy of residential accommodation, the use of the Library, the use of facilities for computing, sport, refreshments, entertainment events and the payment of fees and charges).

4 Students shall inform their School student office of their home and lodgings addresses, and shall inform them within seven days of any change to those addresses or of their departure from the University before the scheduled end of their course.

5 At any formal disciplinary hearing, students are entitled to be accompanied by a student or staff member of the University or a Students' Union representative. Any other representation is not normally allowed except with express permission by the Chair of the disciplinary panel not less than 24 hours prior to the meeting.

B Definition of misconduct

The following shall constitute misconduct:

1 disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;

2 obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any contractor or visitor to the University;

3 violent, indecent, disorderly, threatening, defamatory or offensive behaviour or language whilst on University premises or engaged in any University activity;

4 fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;

5 action which causes or is likely to cause injury or impair safety on University premises;

6 any form of harassment of any student, member of staff or other employee of the University or any contractor or visitor to the University whether in person, in writing, by email or otherwise;

7 breach of the provisions of the following Policies, Codes, Rules and Regulations of the University:

- Equal opportunities in relation to the education of students;
- Special needs of staff and students;
- Discrimination;
- Harassment;
- Smoking policy
- Anti-Bullying;
- Curriculum Pedagogy and Assessment;
- The language of equal opportunities;
- Student Residence Agreement; and

• such other Codes, Rules and Regulations as the Board of Governors may determine.

8 damage to, or defacement of, University or associated property or the property of other members of the University community caused intentionally or recklessly or by negligence, and misappropriation of such property;

9 misuse or unauthorised use of University premises or items of property, including computer misuse;

10 conduct which constitutes a criminal offence (including conviction for an offence) where that conduct:

- (a) took place on University premises, or
- (b) affected or concerned other members of the University community, or
- (c) damages the good name of the University, or
- (d) itself constitutes misconduct within the terms of this Code, or
- (e) is an offence of dishonesty, where the student holds an office of responsibility in the University;

11 behaviour which brings the University into disrepute;

12 where a student is enrolled on a programme leading directly to a professional qualification or to the right to practise a particular profession or calling, any conduct which renders that student a person not fit to be admitted to and practise that profession or calling;

Please note: for some professional programmes there are separate 'Fitness to Practise' panels which consider this issue and which work in conjunction with these regulations.

13 failure to disclose name and/or other relevant details to an officer or employee of the University or its contractors in circumstances when it is reasonable to require that such information be given; or

14 failure to comply with a previously-imposed warning under this Code or any other Policies, Codes, Rules and Regulations of the University.

15 the deliberate false activation of a fire alarm.

16 Academic Misconduct (see section F). Warning points issued under Academic Misconduct regulations will be accumulated with warning points issued under these rules.

Guide to warnings likely to be applied

(This is a guide only and serious cases of any behaviour may incur more serious action to that indicated)

Warnings	Against property of the University, staff, students and visitors	Against the person	Against the work of the University	Against the good name of the University
Minor Warning (1 Warning Point)	Negligent damage Inconsiderate behaviour towards others including parking	Harassment: verbal physical	Disruption of the teaching/ learning environment eg by the use of mobile phones	Offensive or disruptive behaviour affecting people adjacent to a Hall of Residence
Serious Warning (2 Warning Points)	Petty theft of personal property excluding cash	Repeated harassment: verbal physical	Deliberate refusal to provide information required for statutory purposes	Knowingly making a false and vexatious allegation against the University or against any student or staff member
Grave Warning (3 Warning Points)	Theft of cash and goods. Deliberate damage to property and goods; the deliberate false activation of a fire alarm (also carries a financial penalty)	Intimidation: verbal physical	Repeated disruption of teaching	Use / issue fraudulent documentation NOT relating to qualifications / academic performance
Suspension/ Expulsion (4 Warning Points)	Repeated theft or deliberate damage. Deliberate misuse of the University computer network, eg hacking	Physical violence, serious sexual assault	Major disruption of the academic programme or of the running of the University	Serious sexual assault Dealing drugs Use / issue fraudulent documentation relating to qualifications / academic performance

NB: This code of conduct is applicable in any circumstances and in any location in which the student has been granted access by virtue of his or her status as a member of the University

The conduct covered in this section shall constitute misconduct if it takes place on University property or premises or elsewhere if the student concerned was involved in a University activity, was representing the University or was present at that place by virtue of his or her status as a student of the University, including any work placement.

It shall also constitute misconduct in any location whatsoever if the actions bring the good name of the University into disrepute.

C Misconduct which is also a criminal offence

The following procedures will apply where the alleged misconduct constitutes an offence under criminal law if proved in a court of law.

- Where the offence under criminal law is considered not to be serious, action under this Code may continue, but such action may be deferred pending any police investigation or prosecution.
- In the case of all other offences under the criminal law, no action (other than suspension or exclusion) will be taken under this Code unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the Vice-Chancellor or nominee shall decide whether disciplinary action under this Code should continue or be taken.
- Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any warning points under this Code.
- Except in cases considered not to be serious, if the victim will not report the matter to the police or will not co-operate in their enquiries the University will not use its internal procedures to proceed with the matter. Only in exceptional circumstances will the University report an alleged crime to the police contrary to the wishes of the victim.

5 If the police or the Crown Prosecution Service decide not to prosecute, the University may, exceptionally, proceed with action under this Code depending on the reasons for the non-prosecution.

6 The University will normally refer all offences relating to controlled drugs to the police.

D Consideration of misconduct and warnings

Where a student engages in any activity which may constitute misconduct under these Rules the following procedures shall apply.

1 Where issues concerning student conduct and behaviour arise in the day to day running of the University, it is hoped that these issues will be resolved at a local level by a member of staff or a contractor. For example, in relation to the running of the Halls of Residence, clauses 27 and 28 of the Terms and Conditions of Residence set out how such issues will be dealt with at a local level.

If it is not possible and/or appropriate, to deal with the issue at a local level or the issue concerns misconduct which appears to be actually or potentially serious, then the issue should be drawn to the attention of the School Director of Resources or nominee in writing and the student informed that this will happen.

2 The School Director of Resources or nominee shall consider the gravity of the misconduct and shall determine whether:

- further action is necessary;
- to issue a written warning;
- to impose a charge in cases of damage or loss;
- to deal with the student concerned by setting up an appropriate disciplinary meeting, where the School Director of Resources or nominee shall have authority to take any action listed within this section. Should the student fail, after reasonable

notice, to attend such a hearing, the meeting may proceed to take any action listed within this section;

2.5 to recommend expulsion, exclusion or suspension of the student;

2.6 to report the matter, with a recommendation for further action, to a member of the Executive Team or nominee from Senior Management;

2.7 the School Director of Resources has jurisdiction in respect of all students in their School. Where a matter may involve students who cannot be clearly identified from a single School, or in cases which may not be connected with a student's programme, the Head of Student Services (Deputy Academic Registrar) may be nominated to lead the disciplinary investigation.

3 Vice-Chancellor's Executive Team or nominee from Senior Management

A member of the Executive Team or nominee from Senior Management as above shall consider reported misconduct and determine whether to:

- order the making good or restitution of damage or loss;
- expel, exclude or suspend the student.
- a student who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of a police investigation may be suspended or excluded by a member of the Executive Team or nominee from Senior Management pending the disciplinary hearing or the trial.

4 Definitions

4.1 (a) 'Suspension' refers to a total prohibition on attendance at or access to the University and on any participation in University activities but it may be subject to qualification, such as permission to attend for the purpose of assessment.

(b) 'Exclusion' involves selective restriction on attendance at or access to the University or

prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union, the exact details to be specified in writing.

(c) 'Expulsion' involves the permanent withdrawal of the student from all activities concerned with the University.

4.2 An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

4.3 No student shall be suspended, excluded or expelled unless he or she has been given an opportunity to make representations in person to a member of the Executive Team or nominee from Senior Management. Where for any reason it appears to the Executive Team or nominee from Senior Management that it is not possible for the student to attend in person, he or she shall be allowed to make written representations.

4.4 Where the case is judged to be one of great urgency a member of the Executive Team or nominee from Senior Management shall be empowered to suspend or exclude a student with immediate effect provided that opportunities mentioned in paragraph D4.3 are subsequently given and the matter reviewed within five weekdays.

4.5 Suspension or exclusion shall be reviewed in the light of any developments and of any representations made by the student or anyone else on their behalf.

4.6 Any breach of an order of suspension or exclusion will lead to further disciplinary action.

5 Procedures

At all stages save under sub-Rule D4.4, the student shall have the right to be present while evidence is being heard and before the facts are heard to receive copies of all documentary evidence, to be heard, and to be accompanied by a friend but shall not normally be legally represented.

E Accumulation of recorded warnings

1 Warning Points System

1.1 Where a student's behaviour is being considered by a Director of Resources or Head of Student Services, then under Rule D2.2 warning points may be recorded according to the seriousness and nature of the behaviour.

1.2 Offences, for the purpose of warnings, fall into different levels of seriousness classified on a four point scale: minor – serious – grave – suspension/expulsion.

A guide to the type of warning which might be issued is provided in the annexed table. However this is only a guide and it is expected that Directors of Resources or Head of Student Services will use their discretion and take into account the individual circumstances of each offence and vary the type of warning and/or penalty issued accordingly.

2 Accumulation of warnings

Each level of warning is scored on a 1 to 4 basis as follows:

Minor - 1

Serious – 2

Grave – 3

Suspension and/or Expulsion – 4

Where a student has accumulated 4 or more warning points then under Rule D3 a member of the Executive Team or their nominee from Senior Management shall consider the suspension or exclusion and may consider the expulsion of the student. Before making a decision to suspend or expel, the member of the Executive Team or nominee from Senior Management shall consider the detail of the individual offences which have led to the accumulation of four or more warning points and shall hear representations from the student.

3 Relationship with other penalties / warnings

The University, independent of these Rules, separately has financial and other penalties which may be imposed such as library fines, use of facilities for which a charge is made, refusal to provide information required by law, reimbursement for loss or damage to the University or personal property of staff, students or visitors, and whereby the use of facilities is regulated. Action taken by the University under those arrangements does not automatically but may lead to reference to a Director of Resources or the Head of Student Services for consideration of a warning or for other action under the Rules on Student Conduct and Discipline, any such warning to be additional to any of the foregoing penalties, charges or reimbursement.

In the case of false activation of a fire alarm, a fine of £1,000 will be imposed on the student. Where this misconduct occurs within Halls of Residence, notice to quit the halls shall be imposed. The award of any University qualification will be withheld until this, and any other relevant outstanding debt, has been paid.

The University may record the existence of warnings on any reference supplied.

4 Recording of warnings

4.1 Where warning points have been imposed by a disciplinary hearing the matter shall be referred to a member of the Executive Team or nominee from Senior Management for confirmation and consideration of any further action, in which event the student may be interviewed by a member of the Executive Team or nominee from Senior Management.

4.2 The student against whom a warning has been imposed shall have the right to appeal to a member of the Executive Team or nominee from Senior Management to whom their case has been referred, against suspension, exclusion or expulsion, and to be accompanied by a friend. Such an appeal must be made within 10 working days of the warning being communicated to the student.

F Appeal

1 Right of appeal

A student aggrieved by a decision to recommend to suspend, exclude or expel under Rule D.3 shall have the right of appeal to the Vice-Chancellor or nominee within 10 working days, giving the

grounds for the appeal. Such a right shall not be exercised unless Rule D.4.3 has taken place or written representations have been considered. A student aggrieved by the decision to impose a fine under rule D.3 shall also have the right of appeal to the Vice-Chancellor within 10 working days, giving grounds for the appeal. The Vice-Chancellor shall consider the appeal and shall decide whether to uphold or amend the decision made.

A disciplinary investigation, suspension or exclusion can be appealed as outlined in D4.3 and D4.4 above.

2 The Student Appeals Committee

2.1 A student may appeal to the Board of Governors on procedural grounds. Such appeal shall be sent to the Clerk to the Board within ten working days of a decision being taken by or on behalf of the Vice-Chancellor. No appeal shall be considered by the Board until after the procedures in Section E and Section F.1 have been complied with and completed.

2.2 The Student Appeals Committee shall comprise two Governors (one academic and one lay member; the lay member shall chair the Committee) appointed by the Chair of the Board, and a Student Governor. Subject to the agreement of the Chair of the Board there may be an alternate student member.

2.3 The Vice-Chancellor shall not be a member of the Student Appeals Committee.

2.4 The decision of the Student Appeals Committee shall be final. These procedures are now complete, opening the way for the student to approach the Office of the Independent Adjudicator. The student should write, within three months of receiving notification that the internal procedures of the University have been completed, to the OIA, Third floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3AA, United Kingdom. They should enclose a copy of the final decision of the University and state the reasons for seeking redress from the Higher Education Independent Adjudicator. Email enquiries may be sent to enquiries@oiahe.org.uk. The website address is www.oiahe.org.uk

3 Process

3.1 Notice of any appeal to the Student Appeals Committee shall be given in writing to the Clerk to the Governors within 14 working days of a decision under Rule C.3 setting out the grounds on which the appeal is made. An appeal shall be heard as soon as is reasonably practicable.

3.2 The Student Appeals Committee shall conduct its business in accordance with a formal procedure which shall be in accord with natural justice.

3.3 The Clerk to the Board of Governors shall give the student not less than five working days' notice of the date time and place of the meeting to consider the appeal. At the same time the student shall be informed of and shall receive copies of all papers relevant to the case which have been sent to the Student Appeals Committee.

3.4 The student shall have the right to appear, to be heard, and to be accompanied by an individual who is a student or staff member of the University, or a Students' Union representative.

G Interpretation

1 'Working day' refers to a day on which the University is normally open: it does not include Saturday, Sunday, Bank Holidays, or other designated periods of closure outside the academic terms.

2 These Rules shall come into operation on 1 September 2007 and replace the Rules approved on 1 September 1998.

Sir Michael Partridge, Chairman

Annex 1: Relating to the Student Code of Conduct and Discipline

Student fees

1 Continuing students are required to ensure that fees for tuition or other purposes, e.g. accommodation, are paid at or before the beginning of the programme each academic year, or will make arrangements with the Student Credit Control Team to pay by an instalment plan.

2 If students have applied to a Local Education Authority (LEA) or the Student Loans Company (SLC) for assistance with tuition fees they must produce evidence of having done so. If the LEA pays only part of the fee or makes no contribution at all, the student is liable for any outstanding sum and must either pay it as a whole or agree an instalment plan with Student Credit Control Team.

3 If a student fails to pay the whole sum by the due date, or to agree an instalment plan within four weeks of the start of their programme, one formal reminder will be issued. If payment is not forthcoming the Student Credit Control Team may terminate the student's programme.

4 A student aggrieved by the termination of their programme may appeal in the first instances to the Credit Control Team in writing, if they are not satisfied with the outcome, they may appeal to a member of the Executive, or nominee from Senior Management.

5 The member of the Executive or nominee from Senior Management will consider the appeal and either uphold the decision of the Student Credit Control Team or agree to other arrangements for the payment of debt.

Approved by the Student Business Committee of the Board of Governors 15 June 1999, and reviewed by the Finance and General Purposes Committee on 5 June 2007 - Revised 1 September 2008.