

Student Code of Behaviour & Student Disciplinary Procedures

Responsibility for Policy:	General Counsel and University Secretary
Relevant to:	All LJMU Students
Approved by:	Academic Board, 30 September 2015
Responsibility for Document Review:	Head of Student Governance
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RELEVANT DOCUMENTS

OIA “The Good Practice Framework Disciplinary Procedures”

RELATED POLICIES & DOCUMENTS

Academic Framework Regulations, Academic Misconduct Policy, Criminal Convictions Policy, Fitness to Study Policy, Fitness to Practise Policy, Appeal Against Expulsion Procedure, Placement Learning Code of Practice, Social Media Policy for Students

1. Introduction

- 1.1. Liverpool John Moores University (LJMU) is committed to providing a learning environment that is conducive to the academic and social well-being of the University community. Students are required to abide by the standards of behaviour expected by the University as detailed below in the Code of Behaviour. The University will not condone or tolerate behaviour which may adversely affect the good standing of the University, its students, staff and the wider community.
- 1.2. Under the University's Articles of Government, the Vice-Chancellor is responsible for the maintenance of student discipline and for the suspension or expulsion of students on disciplinary grounds, including expulsion for Academic Misconduct. The Vice-Chancellor delegates responsibility for disciplinary matters to the General Counsel and University Secretary (Legal & Governance Services) and the Head of Student Governance.

Students who need specific assistance or reasonable adjustments made in relation to Student Discipline Procedure should contact the Student Governance office.

Telephone 0151 0151 904 6102, Email StudentGovernance@ljmu.ac.uk

Further Information on Reasonable Adjustments in Student Governance Procedures is available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>

- 1.3. The University reserves the right to review and amend the Student Code of Behaviour and Student Disciplinary Procedures at any time in the light of operating experience and/or prevailing circumstances to ensure best practice.

2. Scope and Purpose

- 2.1. The Student Code of Behaviour and Student Disciplinary Procedures are applicable to all current students of LJMU on programmes of study operated by the University. This includes staff who are also students, but only in their capacity as students.
- 2.2. The University may take disciplinary action against students where their behaviour has affected the University (its facilities, activities, interests and reputation), the University community (including other students, staff and visitors), or a member of the public.
- 2.3. The Student Disciplinary Procedures apply wherever alleged misbehaviour occurs, including on campus, during off campus activities such as placements and field trips, in LJMU endorsed Halls of Residence, on Social Media or in any other activity associated with the University.

The Student Disciplinary Procedures are not used to address issues of academic failure except in cases of Academic Misconduct which also involve a breach of the Student Code of Behaviour.

- 2.4. Allegations of inappropriate student behaviour should, wherever possible, be dealt with informally by discussion between the student(s) and the relevant staff concerned. Students should be advised of the potential consequences of inappropriate behaviour. Where it is not appropriate or practical for the member of staff to do this, staff should refer the matter to their line manager for action.

- 2.5. The formal procedure should be invoked where informal action has failed to address the matter or where the allegation is of such a serious nature that informal action would not be appropriate.
- 2.6. The University will seek advice from the University Police Officer, University Health and Safety Advisers and/or any other appropriate staff, throughout the Student Disciplinary Procedure.
- 2.7. Where appropriate the outcome of disciplinary proceedings may be referred to other LJMU procedures, such as the University Criminal Convictions Procedures, Fitness to Practise or Fitness to Study Procedures.
- 2.8. The Director of School may be notified of the outcome of disciplinary procedures and where relevant will be reported to relevant Professional, Statutory and Regulatory Bodies (PSRBs).
- 2.9. A student studying on a Tier 4 visa who is to be suspended or who is excluded or expelled from the programme shall be reported to the LJMU Compliance Officer for advice and guidance on the implications for their immigration status and leave to remain in the UK. Once this has been considered and if the decision is unchanged the LJMU Compliance Officer will report this as appropriate to the Home Office (UK Visas and Immigration).
- 2.10. The burden of proof is on the University and the University will normally decide the case on the balance of probability.
- 2.11. Reference to 'parties' in this document is taken to mean the individual(s) bringing the allegations and the student(s) against whom the allegation is made.
- 2.12. References in the Student Disciplinary Procedures to the General Counsel and University Secretary, Legal & Governance Services will include his/her appointed nominee.

3. Criminal Proceedings

- 3.1. The University will seek advice from the University Police Officer where a potential criminal offence is committed against the University by a student. The decision about whether to report the incident to the police lies with the University.
- 3.2. Where a potential criminal offence is alleged against a student by another student, the decision of whether or not to report the matter to the police lies with the victim/reporting student. Students can obtain advice from the University Police Officer and further advice is available in [Appendix 2 and 3](#).

- 3.3. Only in exceptional circumstances will the University report an alleged crime to the police contrary to the wishes of the victim for example if the disclosure of the information is to protect the reporting students (or others) from harm or to prevent a further crime taking place. This decision will be made on assessment of the information and after discussion with the victim and the University Police Officer.
- 3.4. Where a student is subject to police investigation and/or criminal proceedings the Student Disciplinary Procedures will normally be deferred pending the conclusion of the police investigations and the outcome of criminal proceedings.
- 3.5. Where a student is subject to police investigation and/or criminal proceedings (as a victim or alleged perpetrator) the University will consider whether any interim precautionary action is required (See [Section 7.3](#)) and will advise the students involved of the support services available (See [Appendix 2 and 3](#)).
- 3.6. If a student receives a criminal conviction, the conviction will be considered under the University Criminal Convictions Procedure <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>

4. Operating Principles

- 4.1. Liverpool John Moores University is committed to fair and equitable Student Disciplinary Procedures; to ensure a full and fair assessment of the particular circumstances of the case and avoiding unnecessary delay.
- 4.2. The University undertakes to ensure that the Student Disciplinary Procedures:
- are timely and efficient, to facilitate a speedy resolution;
 - are fair, impartial and transparent to all parties;
 - are conducted in a professional manner; and
 - meet the principles of natural justice.
- 4.3. This means that:
- Reasonable time will be allowed for the investigation of the allegation(s) and the preparation of representations by the relevant parties;
 - Where applicable and appropriate to do so, consideration will be given to a student's assessment schedule;
 - Relevant parties are given the opportunity to provide evidence to substantiate their version of the issue or incident;
 - Full disclosure of any allegations and evidence will be made to relevant parties involved in the procedure (subject to the requirements of the General Data Protection Regulations GDPR);
 - All parties have the right to be accompanied by a 'Friend' at each stage of the procedures; ([Definition of a friend](#))
 - The University will not normally accept anonymous complaints regarding the behaviour of student(s). Exceptions to this may be made where the complaint raises serious issues of concern for the health and safety of students, staff and the general public.

- 4.4. Information disclosed during the Student Disciplinary Procedures is confidential to all parties. Further information is available in the Student Governance Privacy Notice at [-https://www.ljmu.ac.uk/legal/privacy-and-cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice](https://www.ljmu.ac.uk/legal/privacy-and-cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice).

Breaches of confidentiality may lead to further disciplinary action being taken.

- 4.5. The General Counsel and University Secretary, Legal & Governance Services has delegated responsibility for:

- The management and operation of the Student Code of Behaviour and Student Disciplinary Procedures;
- The provision of advice and guidance on disciplinary matters to staff and students;
- The suspension of students pending further investigation of the relevant circumstances;
- The issuing of penalties in accordance with the Student Disciplinary Procedures; and
- Ensuring that the Code and associated procedures are up to date, fit for purpose and subject to review as appropriate.

- 4.6. Where there is more than one student against whom allegations are made, the University will determine, based on the particular circumstances of the case, whether the parties will be required to attend any meeting or hearing under this procedure separately or as a group.

- 4.7. A written (non-verbatim) record of Discipline Meetings, Investigation Meetings and Discipline Hearings will be taken.

- 4.8. The University endeavours to complete the processing of a formal student discipline case and any associated appeal **within 90 calendar days**. This timeframe requires students to meet any University deadlines for the submission of materials or attendance at meetings or hearings.

If, for good reason, such as the availability of essential witnesses or external proceedings, the University needs to extend the timeframe, the student will be notified and kept regularly informed of the progress of the complaint.

5. **Student Code of Behaviour**

- 5.1. Students are expected to conduct themselves in a manner which demonstrates respect for the University, its staff, fellow students, property and equipment, and the wider community.

- 5.2. The University may take disciplinary action against students where their behaviour has affected the University (its facilities, activities, interests and reputation), the University community (including other students, staff and visitors), or a member of the public.

- 5.3. The Student Disciplinary Procedures apply wherever alleged misbehaviour occurs, including on campus, during off campus activities such as placements and field trips,

LJMU endorsed Halls of Residence, on Social Media or in any other activity associated with students being at the University.

- 5.4. Students should note that the University has an approved agreement with LJMU endorsed Halls of Residence in relation to reporting, investigating and sanctioning incidents of student behaviour that occur in endorsed Halls of Residence.
- 5.5. The Social Media Policy for Students advises students of their responsibilities and what the University expects of students when accessing and using social media. Students should be aware that both their University and Personal usage of social media can be considered as a Discipline Offence under this Procedure. The Social Media Policy is available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>
- 5.6. Breaches of the Student Code of Behaviour may result in disciplinary proceedings.
- 5.7. **[Appendix 1](#) outlines examples of Discipline Offences, Unacceptable Behaviour and Examples of Sanctions for such behaviour.**

6. Discipline Offences

The list below is not exhaustive and examples of such offences are outlined in [Appendix 1](#). The decision about whether the offence is serious will rest with the University, following consideration of the full circumstances of each case.

Discipline Offences include:

6.1. Discipline Offences: People

- Physical Misconduct
- Sexual Misconduct
- Abusive, Threatening or Offensive Behaviour (including Bullying and Harassment and Anti-Social Behaviour)

6.2. Discipline Offences: Property and Health & Safety

- Damage to Property
- Unauthorised Taking or Use of Property
Causing a Health or Safety Concern (including possessing, using or supplying controlled drugs)
- **Discipline Offences: University**
 - Operational Obstruction
 - Reputational Damage

7. Student Disciplinary Procedures

7.1. The Student Disciplinary Procedures will be invoked following an allegation of a Discipline Offence to the General Counsel and University Secretary, Legal & Governance Services via the Student Governance office.

7.2. Allegations should be made in writing to the Student Governance office (email address StudentGovernance@ljam.ac.uk), with full details of the incidents and should include any evidence available. Students should utilise the Student Complaints Form to report complaints about another student. <https://www.ljam.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>

7.3. Precautionary Measures

Following consideration of the relevant circumstances and at any time during the procedures, the General Counsel and University Secretary, Legal & Governance Services (or nominee) will determine whether interim precautionary measures are necessary. Any such action is not a penalty or sanction and does not indicate that the University has concluded that the accused student has committed a breach of discipline or a criminal offence. The Precautionary measures may be necessary in order to:

- Ensure that a full and proper investigation can be carried out (either by the police or the University).
- Protect all parties whilst the allegation is being dealt with as part of a criminal process or University process.
- Ensure the safety of members of the University community

Precautionary Action can include one or more of the following:

(The following list is not exhaustive as precautionary measures are dependent on the circumstances of the case):

- Support arrangements for example referral to Student Advice and Wellbeing, academic adjustments and support (such as alternative attendance, assessment, marking and supervisory arrangements), deferral of formal processes referral to the University Police Officer, notification of incident to Security etc.
- Conditions and undertakings for example agreement to not contact or communicate with another person.
- Prohibited from specified University activities and/or removal of access from specified University premises.
- Suspension from the University (this can be a full suspension which prohibits the student from engaging in any activity of the University and registration is on hold or a partial suspension where a student will be prohibited from attendance and entering University premises but will be provided with an academic contact and may be allowed to submit or partake in assessments). Further information on Suspension is available at [Appendix 4](#).

A failure to comply with specified precautionary measures will be considered by the University as a Discipline Offence.

The University will reassess precautionary measures at regular intervals or where there is a material change in the circumstances.

7.4. **Initial Assessment and Discipline Meetings**

7.5. Upon receipt of the allegation, Student Governance will conduct an initial assessment of the matter. This may include consideration of precautionary measures ([Section 7.3](#)), obtaining further written and/or verbal information, **Discipline Meetings** with the parties, and/or determining whether the matter should be considered under other LJMU procedures.

7.6. The student(s) will be notified in writing of the allegation(s) and the next stage in the procedure including details of any suspension or other interim precautionary measures as determined by the General Counsel and University Secretary, Legal & Governance Services or nominee.

7.7. Students who are subject to allegations of a Discipline Offence will be invited to attend a Discipline Meeting with a member of the Student Governance team and/or the General Counsel and University Secretary, Legal and Governance (or nominee).

7.8. Where relevant the University Police Officer, University Health and Safety Advisers, Environmental Health Officers or other appropriate staff may also be consulted and attend any Discipline Meetings.

7.9. Following the Initial Assessment and any Discipline Meetings, the Student Governance Adviser(s) will determine whether one or more of the following is appropriate to the circumstances:

- No further action is required;
- The matter should be referred to other LJMU procedures;
- That mediation is appropriate to the circumstances and should be offered to the parties;
- The student(s) should be counselled regarding the Student Code of Behaviour;
- The matter will be referred for a Formal Investigation ([Section 8](#));
- The matter should be referred to the General Counsel and University Secretary, Legal & Governance Services ([Section 9](#));
- The matter will be referred to a Student Disciplinary Hearing ([Section 10](#)).
- Depending upon the circumstances of the case, Student Governance may issue one or more of the Sanctions and Penalties listed in [Section 11](#), (Sanctions A-H only)

8. **Formal Investigation**

8.1. Where there is a dispute about the facts or further information is required, then the matter may be referred to the Formal Investigation Procedure. Formal Investigations can also be conducted under the Student Complaints Procedures and the matters referred to the Student Discipline Procedure.

8.2. An Investigating Officer (IO) will investigate the circumstances of the case and will submit a written report of their findings to the General Counsel and University

Secretary, Legal & Governance Services The IO can be a member of the Student Governance Team or a member of staff from across the University.

The Protocol for Investigating Officers is available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/appeals-and-complaints>

- 8.3. An Investigating Officer may meet with students, staff, witnesses and other parties relevant to the case. Non-verbatim notes of such meetings will be taken and disclosed to relevant parties (Investigation Protocol refers).

[Appendix 7](#) provides information on witnesses and character references in this procedure.

- 8.4. The IO Report will specify whether the allegation is proven, proven in part or not proven. The IO Report may also include recommendations for further action, which will be subject to the approval of the General Counsel and University Secretary, Legal & Governance Services.

- 8.5. The student(s) subject to investigation will receive a copy of the IO Report and will be advised of the next stage of the procedures.

Those bringing a complaint or allegation will receive a copy of the investigation report or a summary of the report, subject to the requirements of the General Data Protection Act.

- 8.6. The findings of the IO Report will be referred to and considered by the General Counsel and University Secretary, Legal & Governance Services ([Section 9](#)).

9. Referral to the General Counsel and University Secretary, Legal and Governance (or nominee)

- 9.1. The purpose of this referral is to consider the findings of the Initial Assessment ([Section 7](#)) or any Formal Investigation (Student Discipline or Student Complaint Investigation) to determine whether there is any further action required or to determine an appropriate penalty/sanction.

- 9.2. As an outcome of this referral, the General Counsel and University Secretary, Legal & Governance Services will determine one of the following:

- That there is no further action, but the student(s) will be counselled as appropriate;
- That following an Initial Assessment, the matter is referred for a Formal Investigation ([Section 8](#));
- That following an Initial Assessment or Formal Investigation a sanction will be applied ([Section 11](#) Sanctions A-H only);
- That the matter is referred to a Student Disciplinary Hearing ([Section 10](#)).

10. Student Disciplinary Hearing Procedure

- 10.1. The full Student Disciplinary Hearing Protocol is outlined in [Appendix 5](#).
- 10.2. Membership of the Panel
- i. The Panel is drawn from: A Chair of the Panel, who is a member of the Directorate/Strategy Delivery Forum acting with the full delegated authority of the Vice-Chancellor;
 - ii. Panel members are LJMU staff either from School/Faculty Management Teams or individuals with appropriate seniority/experience from the Professional Services teams; and
 - iii. The President of John Moores Students' Union (JMSU) or his/her nominee from the sabbatical officers.
- 10.3. A Student Disciplinary Hearing is the consideration by an independent panel of the findings of any initial assessments or disciplinary meetings or formal investigations, and if applicable, to determine an appropriate penalty/sanction. (See [Section 11, Sanctions A-J](#)).
- A Student Disciplinary Hearing is held in cases where the allegations against the student are very serious and the potential consequences for the student are severe (including expulsion from the University), or where there is a significant dispute to the facts.
- 10.4. Students will be given the opportunity to submit in writing representations for consideration by the Panel. Students will be notified of the deadline for submission of their representations and such representations will form part of the bundle of Panel Papers.
- 10.5. A Student Disciplinary Hearing will normally be convened within 28 days unless varied by mutual agreement. Students shall receive **at least ten (10) working days'** written notice of the Student Disciplinary Hearing and all documentary evidence will be issued to the parties at **least five (5) working days** in advance of the hearing.
- 10.6. Members of a Student Disciplinary Hearing Panel will have no connection with, or prior knowledge of the case. The Panel will consist of:
- i. A Chair of the Panel, who is a member of the Directorate/Strategy Delivery Forum acting with the full delegated authority of the Vice-Chancellor; and
 - ii. Two other members (see 10.2)
- 10.7. The Panel will be advised on matters of procedure by a member of the Student Governance Team. The Panel may seek advice from legal advisers or other internal or external people.
- 10.8. Also in attendance at the Student Disciplinary Hearing will be:
- A Presenting Officer (who, where applicable will be advised on matters of procedure by another member of the Student Governance Team);
 - The student against whom the allegation is made, who has the right to be accompanied by a 'Friend'; (See Definition of a Friend and Representative in Student Governance Procedures at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>) and
 - A note taker.
- 10.9. If the student is unable to attend the Hearing for good reason, then they should contact Student Governance at the earliest opportunity, who will consider alternative

arrangements if applicable. Students are required to provide evidence to support their reasons for non-attendance and be aware that this may cause a delay in the process.

If the student who is the subject of the investigation chooses not to attend, the Hearing may, at the discretion of the Chair, continue in the student's absence.

- 10.10. Witnesses may also be called by either party. Witnesses called must be a witness to the actual events or incidents. The Hearing is not a reopening of any investigations and witnesses who have been interviewed as part of any investigations will not normally be required to attend a Hearing. It is at the discretion of Chair of the Hearing whether a witness is relevant to the proceedings.

All parties have the responsibility to indicate an intention to call witnesses by providing the list of names to Student Governance **at least three (3) working days** before the Hearing. Witnesses called by the Presenting Officer will be notified of their requirement to attend. Students who wish to call witnesses must make their own arrangements.

Where appropriate the Chair may also call witnesses or request further information to clarify the circumstances of the case.

Students can provide written character references. Character referees may not be called as witnesses.

[Appendix 7](#) provides further information in relation to witnesses and character references.

- 10.11. Based on the evidence presented, the Panel will determine whether the findings of the disciplinary investigations are reasonable and where applicable will determine an appropriate outcome as specified in 10.12.
- 10.12. The Panel will decide upon one or more of the following outcomes:
- No penalty or sanction;
 - The student is counselled as appropriate;
 - A Sanction or Penalty is issued ([Section 11](#), [Sanctions A-J](#))
- 10.13. If the Panel recommends exclusion or expulsion from the programme or the University this will be referred to the Vice-Chancellor (or nominee) via the office of Student Governance for consideration.
- 10.14. The decision of the Vice-Chancellor will be notified to the Panel and to the student, via the Student Governance Office. Students will be advised about the appropriate appeals procedure by Student Governance. (See [Section 12](#))

11. **Penalties and Sanctions**

- 11.1. Following consideration of the relevant circumstances, the University may issue one or more of the following sanctions/penalties:
- A. Require the student to give a **written undertaking** as to his/her subsequent conduct.
 - B. Require the student to give a written or verbal **apology** to the relevant party.
 - C. Require the student to **pay for any damage** to property he/she has caused, or recompense the University for any loss suffered or any costs incurred directly or indirectly from the student's misconduct.
 - D. Impose a **fine** up to a maximum of £100.
 - E. **Withdraw privileges**, e.g. through exclusion from a University service, Learning Resources Centre or computer network for a specified period of time, or such other sanction that the University considers appropriate.
 - F. Issue a **Grade 1*Warning** that will be effective for a specified period. The Grade 1* Warning will be confirmed in writing normally within 3 working days of the warning being issued. A copy of the warning will be retained on file until the period has expired, after which time the warning will be expunged.
 - G. Issue a **Grade 2* Warning** which will be effective for a specified period. The Grade 2* Warning will be confirmed in writing normally within 3 working days of the warning being issued. A copy of the warning will be retained on file until the specified period has expired, after which time the warning will be expunged.
 - H. **Issue a Final Warning*** which will be effective for a specified period. The Final Warning* will be confirmed in writing normally within 3 working days of the warning being issued. A copy of the warning will be retained on file until the specified period has expired, after which time the warning will be expunged.
 - I. Recommend to the Vice-Chancellor that the student be **excluded** from his/her Programme of Study and/or from the University for a specified period of time.
 - J. Recommend to the Vice-Chancellor that the student be **expelled** from the University. (An offence during the currency of a Final Warning may lead to expulsion, following a Hearing)

* **NOTE:** Grade 1, Grade 2 and Final Warnings are determined by the severity of the circumstances and not the number of offences.

- 11.2. If a student commits a further disciplinary offence during the currency of a sanction/penalty, the General Counsel and University Secretary, Legal & Governance Services (or nominee) may decide to impose/recommend a more severe penalty.

- 11.3. [Appendix 1](#) outlines examples of Unacceptable Behaviour and Examples of Sanctions for such behaviour.
- 11.4. The General Counsel and University Secretary, Legal & Governance Services (or nominee) will confirm the outcome and any sanction/penalty in writing to the student. Acceptance of the Sanction/Penalty will be presumed unless the Student Appeals the Sanction.
- 11.5. The Appeals Procedure is outlined in [Section 12](#).
- 11.6. The penalties or sanctions imposed upon a student will not normally be disclosed unless there are exceptional reasons for doing so (for example where the outcome has a direct effect on the health, wellbeing and safeguarding of other students and staff). The decision to disclose this information will lie with the General Counsel and University Secretary, Legal and Governance or nominee.

12. Appeals

- 12.1. A student against whom disciplinary action has been taken shall have the right of appeal. The appeals procedure for students who, as a result of disciplinary proceedings, have received a penalty other than expulsion is outlined in [Section 13](#).
- 12.2. The appeals procedure for students who, as a result of disciplinary proceedings, have been expelled from the programme and/or the University is outlined in Appeal against Exclusion and Expulsion Procedure at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations>

13. Appeal (other than against expulsion)

- 13.1. If a student considers that the procedures have not been conducted properly and/or that the decisions or sanctions made were unreasonable then the student can submit a Student Disciplinary Appeal.

Appeals will only be accepted where the student can demonstrate that the procedures were not followed or that the decision was unreasonable.

- 13.2. The appeal is not a reopening of the investigation and will not consider new evidence.
- 13.3. The request for such an appeal shall be made in writing, to the Student Governance Office **within ten (10) working days of the date of the decision letter**. The appeal should state the grounds for appeal and give full supporting evidence and explanations why the student considers the procedures were not followed correctly and/or why the student considers that the decisions or sanctions made were unreasonable.
- 13.4. The appeal will be considered by a member of the Directorate/Strategy Delivery Forum who has had no previous involvement with the case. The appeal will be reviewed via the case file as a paper-based exercise and the student will not be required to attend a meeting.
- 13.5. The Appeal Respondent will be advised on matters of procedure by a member of the Student Governance Team who has had no previous involvement with the case.

- 13.6. The Appeal Respondent will consider whether the procedures were followed correctly and whether the decisions made were reasonable in the circumstances.
- 13.7. The Appeal Respondent will determine whether the appeal is upheld, upheld in part or not upheld and determine one or more of the following:
- No Further Action (decision and sanction remain the same);
 - Defer the decision pending further information;
 - Remove Sanctions;
 - Amend Outcome/findings;
 - Amend Sanctions;
 - Refer the matter back to an earlier stage in the process.

14. Completion of Procedures and the Office of the Independent Adjudicator (OIA)

- 14.1. A completion of procedures letter will be issued to students when the internal procedures have been exhausted.
- 14.2. Students who have completed the internal procedures and remain dissatisfied with the outcome and/or considers that the University has failed to follow this procedure may take their case to the Office of the Independent Adjudicator for Higher Education (OIA). Further information can be found at <http://www.oiahe.org.uk/>

15. Records

- 15.1. Notes (not verbatim minutes) will be taken at all relevant stages of the disciplinary procedures. The General Counsel and University Secretary, Legal & Governance Services or nominee will make these available to the relevant parties on request.
- 15.2. All files relating to an individual student's disciplinary outcome will be held by the Student Governance Office. Records will be retained for the duration of internal and external processes. Following the completion of these processes the files will be retained for a period of 6 years after the date of the last action on file, in line with the University's Retention Schedule but will no longer form part of the student's extant record.

List of Appendices

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Appendix 1: Examples of Unacceptable Behaviour and Applicable Sanctions.

The following examples of unacceptable behaviour are not exhaustive and the University can bring action in relation to other unacceptable behaviour.

The following indications of penalties / sanctions is for guidance and a full list of the penalties / sanctions that may be imposed by the University is set out in [Section 11](#) of the Disciplinary procedure.

The University may impose one or more sanctions and / or penalties dependent on the circumstances; for example a student may be given a formal warning and may also be required to submit a written apology to a named individual(s) and agree to certain conditions or undertakings.

The University will determine whether the behaviour is considered minor or serious based on the circumstances of the case. The penalty / sanction may be more or less severe than the examples listed.

Behaviours which are considered very serious and could result in exclusion or expulsion from the University, are normally considered by a Student Disciplinary Hearing Panel ([Section 10](#)).

Multiple or repeated incidents of misconduct may be more serious than a single act of misconduct and previous findings may be taken into account when determining the penalty / sanction to be imposed.

*Academic Misconduct, for example cheating in examinations will be considered under the Academic Misconduct Procedure.

Discipline Offences: People (Section 6.1)

Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions
Physical Misconduct	Violent Behaviour or Action that causes injury to others, e.g. Punching, Kicking, Slapping, Pulling Hair, Biting	<ul style="list-style-type: none"> • Expulsion • Exclusion • Restrictions • Conditions/Undertaking • Final warning • Written Apology
	Behaviour or Action to others e.g. Pushing or Shoving.	<ul style="list-style-type: none"> • Formal Warning (Grade 1, 2 or Final) • Restrictions • Conditions/Undertaking • Written Apology
Sexual Misconduct	<p>Engaging or attempting to engage in Sexual Intercourse or Sexual Acts without consent.</p> <p>Sharing private sexual materials of another person without consent.</p> <p>Distributing indecent images or accessing pornographic media via the University Computing system.</p> <p>Kissing or any other inappropriate physical touching without consent</p> <p>Inappropriately showing sexual organs to another person.</p>	<ul style="list-style-type: none"> • Expulsion • Exclusion • Restrictions • Conditions/Undertaking • Final warning • Written Apology Formal Warning (Grade 1, 2 or Final) • Restrictions • Conditions/Undertaking • Written Apology
Abusive, Threatening or Offensive Behaviour (including Bullying and Harassment and Anti-Social Behaviour)	<p>Bullying and Harassment of students or staff by whatever means, including social media.</p> <p>Breaches of the University's Equality and Diversity Policy e.g. abusive or offensive behaviour or comments relating to an individual's sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age.</p> <p>Indecent, threatening or offensive Behaviour.</p> <p>Serious breach of the Social Media Policy</p>	<ul style="list-style-type: none"> • Expulsion • Exclusion • Restrictions • Conditions/Undertaking • Final warning • Written Apology
	<p>Offensive or inappropriate behaviour or language or dress, including via social networking sites.</p> <p>Repeatedly following another person or contacting another person without good reason.</p> <p>Anti- Social Behaviour, including excessive noise, parties etc.</p> <p>Any other action deemed disruptive or detrimental to other students' studies or wellbeing</p>	<ul style="list-style-type: none"> • Formal Warning (Grade 1, 2 or Final) • Restrictions • Conditions/Undertaking • Written Apology

Discipline Offences: Property and Health & Safety (Section 6.2)

Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions
		<ul style="list-style-type: none"> • Expulsion

Damage to Property	Causing significant damage to University property or the property of other members of the University community (including partner accommodation), whether such damage is caused intentionally or recklessly.	<ul style="list-style-type: none"> • Exclusion • Restrictions • Conditions/Undertaking • Final warning • Written Apology • Requirement to make good the damage or pay for damage caused at his/her expense
	Causing minor damage to University property or the property of other members of the University community (including partner accommodation), whether such damage is caused intentionally or recklessly.	<ul style="list-style-type: none"> • Counselling about Behaviour • Formal Warning (Grade 1, 2 or Final) • Restrictions • Conditions/Undertaking • Written Apology • Requirement to make good the damage or pay for damage caused at his/her expense
Unauthorised Taking or Use of Property	Unauthorised entry onto or unauthorised use of University premises.	<ul style="list-style-type: none"> • Expulsion • Exclusion • Restrictions • Conditions/Undertaking • Final warning • Written Apology • Formal Warning (Grade 1, 2 or Final) • Restrictions • Conditions/Undertaking • Written Apology
	<p>Taking property belonging to another without permission</p> <p>Misuse of University property (for example computers and laboratory equipment)</p>	
Causing a Health or Safety Concern	<p>Act/omission that did cause or could have caused serious harm on University premises and partner Accommodation or during University activities e.g. disabling fire extinguishers, failure to comply with Public Health Legislation and University Health and Safety regulations).</p> <p>Breaches of the University's Drug Policy, including in Halls of Residence e.g. using, possessing, distributing or production of controlled drugs or legal highs.</p>	<ul style="list-style-type: none"> • Expulsion • Exclusion • Restrictions • Conditions/Undertaking • Formal Warning (Grade 1, 2 or Final) • Written Apology
	Act/omission that did cause or could have caused a health and safety concern on University premises (including partner Accommodation) e.g. for example, smoking cigarettes in non-designated areas, or tampering with fire safety equipment)	<ul style="list-style-type: none"> • Counselling about Behaviour • Formal Warning (Grade 1, 2 or Final) • Restrictions • Conditions/Undertaking • Written Apology
Discipline Offences: University (Section 6.3)		
Disciplinary Offence	Examples of Unacceptable Behaviour	Examples of Sanctions

Operational Obstruction	<p>Fraud, bribery, deceit or dishonesty</p> <p>Actions/statements intended to deceive the University e.g. failure to disclose relevant criminal convictions, fraudulent signatures on official letters/documents, fraudulent research, and fraudulent qualification certificates etc.</p> <p>Disruption of the activities of the University (Including academic, administrative, sporting and social) on University premises or elsewhere including examination or assessment offences*.</p> <p>Unfounded, vexatious and/or malicious complaints brought against a member of the University.</p> <p>Failure to engage with disciplinary procedures, including failure to respond to request for meeting and inappropriate or abusive behaviour to staff involved in the management and operation of the procedures.</p> <p>Failure to comply with Public Health Legislation and University Regulations e.g. social distancing measures etc</p> <p>Failure to comply with a previously imposed precautionary measure or penalty under the Student Disciplinary Procedures.</p>	<ul style="list-style-type: none"> • Expulsion • Exclusion • Restrictions • Conditions/Undertaking • Formal Warning (Grade 1, 2 or Final) • Written Apology • Requirement to make good any damage or pay for any damage caused at his/her expense <p>*Academic Misconduct for example cheating in examinations will be considered under the Academic Misconduct Procedure.</p>
	<p>Improper interference with the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere.</p> <p>Improper interference with the functions, duties or activities of any student or employee of the University or any authorised visitor to the University</p>	<ul style="list-style-type: none"> • Counselling about Behaviour • Formal Warning (Grade 1, 2 or Final) • Restrictions • Conditions/Undertaking • Written Apology • Requirement to make good the damage caused at his/her expense
Reputational Damage	<p>Behaviour which has caused serious damage or could have caused serious damage to the reputation of the University</p>	<ul style="list-style-type: none"> • Expulsion • Exclusion • Restrictions • Conditions/Undertaking • Formal Warning (Grade 1, 2 or Final) • Written Apology
	<p>Behaviour which has damaged or could have damaged the reputation of the University</p>	<ul style="list-style-type: none"> • Counselling about Behaviour • Formal Warning (Grade 1, 2 or Final) • Restrictions • Conditions/Undertaking • Written Apology

Appendix 2: Advice and Support for Students

John Moores Students Union

Independent Advice on Student related processes can be obtained from John Moores Students' Union.

Telephone: 0151 231 4900, Email: JMSUadvice@ljmu.ac.uk

Web pages: <https://www.jmsu.co.uk/new-website-home/advice-at-jmsu>

Student Advice and Wellbeing

Students involved in the Student Discipline Process can seek advice and support from the LJMU Student Advice and Wellbeing department on a range of issues such as:

Accommodation, finance and funding, health and wellbeing issues, disability support, student wellbeing, counselling services and assistance and advice relating to access to specialist support services provided by external agencies, for example specialist sexual and/or violent support services or victim support services

Further information and contact details are available on the University Web pages at <https://www.ljmu.ac.uk/discover/student-support>

Academic Support

Academic Advice and Support is available from Personal Tutors or Module/Programme Leaders, where students have concerns relating to the impact of the incident and any subsequent Discipline or Police proceedings they can discuss with their academic contact the possibility of additional support, adjustments and processes such as extension of deadlines, alternative assessments, extenuating circumstances claims or Leave of Absence (where a student instigates a Leave of Absence the Student Disciplinary procedures may be suspended until which time the student returns to formal study).

Security

To ensure the safety of students on and around Campus, Partner Accommodation Managers and LJMU Security can be notified of the concerns.

Students should be aware that if there are any incidents, emergencies or concerns about their safety they should contact the police.

Legal Advice

The University does not have a University Solicitor for students seeking legal advice. Students should contact an external solicitor of their choosing for legal advice.

Students should note that it is not normally necessary for a student to have legal representation in order to bring a complaint to the University. The Student Discipline Procedures are internal procedures and not legal procedures.

University Police Officer

The University Police Officer is available to advise Students on matters such as concerns about potential criminal offences, personal safety and police procedures. If students wish to contact the University Police Officer they can do so via Student Governance or Student Advice and Wellbeing.

Appendix 3: Advice for Students where Incidents may constitute a criminal offence refers.

Where incidents occur that may also constitute a criminal offence reporting Students and Student Governance have a number of options available to them, such as:

1. They can make a report to the police
2. Not report the matter to the police but report the matter to the University for consideration under the Student Discipline Procedures
3. Report the matter to the police and report matter to the University for consideration under the internal Procedures. In such circumstances students should be aware that the University will normally suspend consideration of the matter until formal police investigations have concluded.

In all cases the student can take some time to consider their options and seek advice from **Student Advice and Wellbeing** and the **University Police Officer (See [Appendix 2](#))**. Students who wish to take some time to consider their options and seek advice and support should note that attendance at a relevant medical centre, such as a sexual referral centre can enable forensic evidence to be collected whilst they make a decision about whether to make a report to the police.

To aid in this decision the following advice is provided to students regarding the key differences between criminal investigations/proceedings and university investigations/proceedings:

	Criminal Process	University Process
Allegations	Treated as a potential criminal offence	Treated as a potential Discipline Offence (See Appendix 1)
Investigation	Will use forensic analysis and medical examinations, witnesses are normally required to provide statements etc.	Unable to compel external witnesses to give evidence, unable to analyse forensic evidence or medical evidence.
Decision Makers:	Police, Crime Prosecution Service, Judges, Jury.	Student Governance, General Counsel and University Secretary, Legal & Governance Services ,Chair of Discipline Hearing Panel and Vice-Chancellor.
Decision:	Beyond All reasonable doubt	On the Balance of Probabilities
Sanctions:	Wide range of sanctions including imprisonment	Sanctions listed in Section 11 and Appendix 1 , the most severe sanction available is expulsion from the University.
Impact and Disclosure	Reporting Student notified of outcome and sentence. Criminal Record, notes on Police National Computer and may be disclosed to third parties e.g. future employees and through Disclosure and Barring Service Checks	On leaving the University restrictions/conditions no longer applicable. Unless on a professional programme students are not under any obligation to disclose and on leaving the University conditions/or restrictions not applicable. Very limited circumstances when the University can disclose any information to third parties. The University will not normally disclose the specific details of the decision made or sanction given to another student, except in exceptional circumstances.

Suspension of a Student

Under the University's Articles of Government, the Vice-Chancellor is responsible for the maintenance of student discipline and for the suspension or expulsion of students on disciplinary grounds, including expulsion for Academic Misconduct.

The Vice-Chancellor delegates responsibility for disciplinary matters to the General Counsel and University Secretary, Legal & Governance Services who may nominate others to act.

A student who is the subject of an allegation of misconduct, including criminal proceedings, may be suspended from the University pending further investigation, the outcome of a disciplinary hearing and/or the conclusion of criminal proceedings.

Suspension will be used where it is considered essential to do so and to allow time to ensure a full and appropriate investigation of the matter. Suspension may also be used where there are concerns with respect to the safety and welfare of members of the University community, including the student who is the subject of the allegation(s).

Suspension means withdrawal of a student's rights of access to specified University premises and/or participation in specified University activities, including placements.

Suspension will be subject to conditions, such as permission to enter University buildings or to take an examination or submit coursework, and may include a requirement that the student should have no contact of any kind with a named person or persons.

Where possible and subject to the safety and welfare of students and staff, arrangements will be made to minimise the disruption to the student's programme of study.

Where possible, and subject to the safety and welfare of students and staff, arrangements will be made to allow a suspended student to complete outstanding academic work and sit examinations.

A formal notification of suspension and any terms and conditions will be given in writing to the student.

Where a decision is made to suspend a student as a precautionary measure the student can:

- **Make representations** before the decision is made or as soon as possible thereafter. Where possible they will normally be invited to a meeting.
- **Request a review** at any stage if there is any **material change** in the circumstances of the case. Students should contact the Student Governance team to request a review.

The University will reassess the decision to suspend a student or any other precautionary measures at regular intervals or where there is a material change in the circumstances.

A breach in a student's suspension agreement will result in further Disciplinary Action.

Student Disciplinary Hearing Protocol

The purpose of the Disciplinary Hearing is to consider the findings of any disciplinary investigations and to determine if applicable an appropriate penalty/sanction.

1. The Chair will explain the purpose of the hearing and the extent of his/her delegated powers in taking decisions on behalf of the University and the disciplinary sanctions/penalties which are a possible outcome from the hearing.
2. The Chair will ascertain the names and roles of all present and confirm the names of the witnesses (if any) which either party proposes to call in support of their case. Where appropriate the Chair will confirm, for the record, that a student has chosen not to be represented by a friend.
3. The hearing may proceed in the absence of the student. Where this occurs, it will be confirmed and explained for the record.
4. The allegation(s) against the student will be read out by the Chair.
5. Following this the Presenting Officer will present the findings of the investigation, calling witnesses, as appropriate.
6. Through the Chair, the Student may ask questions of the Presenting Officer and witnesses.
7. The Panel may ask questions of the Presenting Officer and witnesses at any appropriate time.
8. The Student (or representative) may then respond to the findings of the investigation, calling witnesses as appropriate.
9. Through the Chair the Presenting Officer may ask questions of the Student and witnesses.
10. The Panel may ask questions of the Student and witnesses at any appropriate time.
11. The Chair will invite the Presenting Officer to summarise their case and summarise any mitigating or aggravating circumstances or factors that they wish the Panel to take into account .
12. The Chair will invite the Student (or representative) to summarise their case and summarise any mitigating circumstances or factors that they wish the Panel to take into account .

13. The Chair will then adjourn the hearing. Everyone, except the Chair, other members of the Panel and Adviser, will withdraw from the room to allow the Panel to consider the case put by both sides.
14. The Panel may at any time require additional evidence or information from other parties. Should this be the case, all parties will be informed about the nature of the enquiry.
15. Panel members will advise the Chair of their opinion of the case. The Panel will determine whether based on the evidence available:
 - The findings of the disciplinary investigations are reasonable.
 - Where relevant, an appropriate outcome and/or penalty. (See [Section 11](#))
16. Panel members will advise the Chair of their opinion of the case. Following this discussion, the Chair will act as final arbiter in the matter.
17. Following this discussion, the Chair will announce the findings and decision of the Panel to the Presenting Officer and the Student (and representative, if present). The decision will also be communicated in writing to all participants within five working days of the Hearing. Student Governance will advise the student whether the Panel decision requires approval from the Vice-Chancellor is required and will advise the student about the relevant appeals procedures. ([Section 12](#)).
18. Alternatively the person presenting the case and the student (and representative) will be told when the decision will be given.

Glossary of Terms

In the context of the LJMU Student Disciplinary Procedures, the University uses the following definitions:

Suspension

Suspension normally means the withdrawal of a student's right of access to specified University premises and/or participation in specified University activities for a period of time.

Note:

- Where possible and subject to the safety and welfare of others, arrangements will be made to minimise disruption to the student's programme of study and allow him/her to undertake formal assessment.
- Exclusion and suspension may include a requirement that the student undertakes to have no contact of any kind with a named person or persons, or particular category of person.

Exclusion

Exclusion normally means total prohibition from all LJMU premises and activities for a defined period of time.

Expulsion

Expulsion normally means permanent removal from the University following serious or persistent misconduct.

Appendix 7: Witnesses and Character References

Witnesses

Within Student Governance Procedures, the University considers a witness to be a person who has witnessed the actual events or incidents under consideration, not character witnesses or character referees. Character witnesses or character referees will only be accepted as written statements and will not be party to meetings or hearings.

Investigation

As part of the process those staff investigating the matter and/or making a finding on the matter will assess the relevance and weighting of any witness statements.

Students, staff and witnesses are advised that the matters are confidential to the parties of the process.

It is a serious disciplinary offence for any person to attempt in any way to influence a witness in relation to their evidence, or to request any other person to do so.

Students or staff who provide false information in their witness statements may be subject to disciplinary procedures.

Witnesses may be asked by Student Governance to attend a meeting with Student Governance and/or the Investigation Officer. Meeting notes will be taken and the witness will be required to confirm and comment on the notes.

The University will normally only interview witnesses who are employed by LJMU or who are students at LJMU and with their agreement.

Witnesses may be asked by Student Governance to submit signed witness statements and to respond to any queries in relation to their statement.

Staff and Students may also submit a signed written statement from external witnesses.

Hearings

Witnesses will not normally be required to attend Hearings, unless there are exceptional reasons for their attendance. It is at the discretion of Chair of the Hearing to determine whether the attendance of a witness is relevant to the proceedings.

Personal and Medical Circumstances, Character References

Students can submit evidence of extenuating circumstances, personal circumstances and other mitigating factors that they wish the University to consider in relation to the case.

Evidence can include Medical Letters, Character References and Testimonials etc.