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## A Student’s Guide to

## **The Code of Practice on Student Discipline**

## **(Non-Academic)**

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This guide has been written by a student and will help clarify some of the key information you need to know about conduct at the University of Aberdeen, the Code of Practice on Student Discipline (Non-Academic) and how investigations under this Code work.

This guide only applies to cases being progressed under The Code and may not apply in cases of Fitness to Practice. More details can be provided by Student Support or the Medical School.

**Throughout this guide the Code of Practice on Student Discipline (Non-Academic) will also be referred to as ‘the Code’ or the ‘Code of Practice’**

Within the UoA community, we want to foster a safe and inclusive environment for learning and working and we are committed to having a fair and transparent process for everyone involved in resolving any misconduct issues that arise.

We expect you and all members of the University community to treat others with respect, demonstrate positive behaviours and abide by the University’s rules and regulations (including the Code).

# **What is the Code?**

The Code sets out what the University considers to be ‘misconduct’, what the process of investigation is for students who report misconduct or are reported to have engaged in misconduct under the Code, and the different ways an investigation might turn out.

# **Who does the code apply to?**

* Students Applicants
* Students on a break from study

# **Why do we investigate reports of Misconduct?**

We need to ensure that our university community including students, staff, applicants, agents, partners, and alumni feel safe and welcomed and are not placed in harm’s way by those engaging in misconduct. Investigating reports of misconduct allows us to assess risk, identify solutions to misconduct issues and protect the safety and wellbeing of our entire community.

Additionally, the University wants, as far as possible, to encourage those who have engaged in misconduct to act in a more positive way in future and learn from their previous mistakes so that they don’t make them again. This code is not solely about punishing those who have engaged in misconduct. Where possible we want to encourage these individuals to grow in a positive way and cease their engagement with any form of misconduct.

# **Misconduct: What is it?**

An act of misconduct refers to behaviours which can cause material damage, physical harm, emotional upset, mental harm or threaten the safety of the person engaging in misconduct and/or other people within the University community. Some examples of both good conduct and misconduct are listed below.

**Good Conduct**

* Treating other students, staff members, and all members of the University community with respect. This should include respecting people of all backgrounds (including colour, race, nationality, national origins, disability, sexual orientation, religion or belief, family circumstances, political beliefs, gender, gender reassignment, trade union membership, or age).
* Ensuring Consent\* has been given when engaging in sexual activity. Making sure you know what Consent is and how to ask for it. You should always ensure Consent is given both by yourself and those you may be engaging in sexual activity with.
* Putting litter in the bins located around campus or taking it home with you to dispose of there.
* Reporting damaged university facilities and property such as elevators, fire alarms, emergency exit doors.

**Misconduct**

* Carrying an offensive weapon like a firearm or a knife on University premises.
* Behaving in a violent, indecent, or threatening way.
* Sexual violence or harassment.
* Harassment, bullying, or intimidation of any member within the University community. This includes targeted harassment, bullying or violence against groups due to their specific background (including colour, race, nationality, national origins, disability, sexual orientation, religion or belief, gender, gender reassignment, trade union membership, or age.)
* Anti-social behaviour e.g., excessive noise, littering.
* Inappropriate forms of communication and engagement on a university platform (e.g., Blackboard, Outlook, Microsoft Teams).

*For an extended list of misconduct examples see pp.3-4 of the Code.*

# **\*Consent**

Sexual Consent means a person freely and willingly agrees to have sex or engage in sexual activity.

- Consent cannot be given if someone is heavily under the influence of alcohol or drugs if they are asleep or unconscious or if they are being threatened with physical violence or other forms of coercion

-Consent can be withdrawn at any time and consent to one sexual act does not mean consent to a different act.

To learn more about Consent and how to check it has been given see the UoA [Gender Based Violence Webpage](https://www.abdn.ac.uk/about/inclusive/support/gender-based-violence-2748.php#panel2753).

# **Burden of Proof**

In Code of Practice investigations, the burden of proof is the “balance of probabilities”. This means that following an investigation into misconduct, the University can decide whether it believes that something is more likely to have happened than not.

There is no expectation that reported misconduct be proved beyond reasonable doubt (as happens in a criminal court) just that it is reasonable to believe, based on the information the University has, that the misconduct is more likely to have been carried out by the reported party than not.

# **Who would be involved in an investigation under the Code?**

**REPORTED PARTY:**

Has been reported for engaging in the behaviour under review.

**REPORTING PARTY:**

Alerts the University to the misconduct (may also be the impacted party). This person might be anonymous.

**IMPACTED PARTY:**

Has been impacted by the reported behaviour but may, or may not have, reported it.

**CASE MANAGER:**

Oversees the administration of the report from beginning to end. Coordinates each stage of the review process.

**WITNESS:**

Provides information after having witnessed the behaviour being reviewed. May or may not also be an impacted party.

**INVESTIGATOR:**

Member of staff appointed to investigate the alleged behaviour and determine if misconduct has occurred.

This will usually be a member of staff from the school that the reported party belongs to. In cases which took place within university accommodation, a member of staff working in the accommodation environment will usually be appointed.

**REVIEW PANEL:**

The group who will hear and make decisions on any appeals to the outcome of the investigation. Possible Panel members include:

-Any Vice Principal

-Any Head of School staff, member of senate or member of School or Professional Services Staff at Grade 9.

-AUSA Student President or a nominee of their choosing (who is also an AUSA member).

**SUPPORTERS:**

Anyone asked to attend any meeting throughout the review can be accompanied by one person to support them.

# **When does the Code apply?**

The reported misconduct needs to meet at least one of the following criteria to apply under the Code:

1. It takes place on a university premises.
2. It is carried out by a student engaged on a university activity.
3. It targets, or directly impacts members of the University community.
4. It relates to a serious criminal offence or activity that could bring the University into disrepute.

Some instances of misconduct may overlap with the processes of the Student’s Union, and it may be more appropriate for them to exclusively investigate misconduct rather than the University. In some cases, a joint approach might be used (the Case Manager would decide this along with some input from AUSA).

In some instances, it may be identified that activating the Support for Study policy is a more relevant pathway for addressing the reported misconduct than pursuing disciplinary measures.

# **What if….**

I am involved in misconduct during Summer or Winter break.

If the reported party engaged in the reported misconduct during summer or winter break and one of the above still applies, they can still be investigated under the Code so long as they are still a registered student or applicant.

I plagiarise work, cheat on an exam or pay someone else to complete an assignment for me.

These are all examples of ACADEMIC misconduct. You should not be involved in these behaviours either, but you will not be investigated for that kind of misconduct under this Code as it only deals with non-academic misconduct.

 If you were reported or wanted to report someone for academic misconduct the investigation would take place under the Code of Practice on Student Discipline (Academic).

I was under the influence of alcohol and/or drugs at the time that the misconduct I want to report occurred.

If the reported misconduct is alcohol-related, we will raise an investigation about it. However, if an incident of sexual misconduct is being reported, we will not look to consider someone’s personal use of alcohol or drugs. For example, if a student was to experience a sexual assault whilst under the influence of alcohol, their alcohol use would not be investigated as misconduct.

# **What about investigating misconduct that may also be a crime?**

The University cannot conduct criminal investigations. Sometimes, misconduct can also be a criminal offence, but that is not something we would look to investigate; we would only investigate misconduct and deliver an outcome within the Code’s limits (the most severe of which would be expulsion).

In some cases, the University might decide to postpone a misconduct investigation until the criminal investigation about the same case has been completed.

**REPORTING TO THE POLICE:**

Criminal offences targeted against UNIVERSITY PROPERTY:

The University might choose to report this to the police so that a criminal investigation can be carried out.

Criminal offences targeted against members of the UNIVERSITY COMMUNITY:

We would support the individual’s decision about whether they want to report to the police or not. We would NEVER report to the police on someone’s behalf without their express consent unless there is a significant risk of harm to them or someone else.

With this type of misconduct, a situation may occur where a criminal investigation is going on at the same time as the Code of Practice investigation. The outcome of the Criminal Justice process will not necessarily be the same outcome found in an investigation under the Code, and vice-versa. The two investigations would be independent of one another.

# **Letting us know about criminal convictions**

* All students are required to let the University know about relevant criminal convictions or charges they have or receive while at university.
* To do this you can email conduct@abdn.ac.uk to start a discussion with us about your conviction or charge and how it may impact your studies.

To learn more about declaring criminal convictions and the process that doing so prompts, see the ‘Letting us know about criminal charge and convictions’ webpage on the UoA website

# **How do you report non-academic misconduct?**

There are a few different ways to report misconduct:

* **Report directly to a member of staff** in the Student Advice & Support Team at the Student Advice & Support Office on Level 2 of the Student Union Building.
* **You can** **email conduct@abdn.ac.uk** which will be reviewed by a member of the Student Advice & Support Team. This email should include details of the report
* **You can email student.support@abdn.ac.uk.** The email sent should include details of the report or a request to meet a member of the team.
* **Using our** **Online Reporting Tool**. You can submit a named or anonymous report however if you submit an anonymous report, we will not be able to progress a misconduct investigation (both reports provide access to support resources)

We encourage you to meet with a member of the Student Advice & Support team either after contacting them via email/phone and organising an appointment or by attending a drop-in appointment (10am-4pm, Monday-Friday, Level 2 of the Student Union Building). However, there is no requirement to meet with anyone face to face.

If you choose to report any form of misconduct to the University, your personal details, including those pertaining to your sexual orientation, gender identity, and employment (including engagement in sex work), will not be shared with any other person (including your emergency contact) without your consent nor will that information be disclosed as part of any University investigations or disciplinary proceedings related to your report without your consent.

# **If I have reported misconduct and asked for an investigation under the Code to be conducted, can I change my mind?**

Yes. Up to a certain point you can change your mind.

The University wants to ensure you have as much agency and control over the reporting and investigation process as possible.

So long as the University has not yet informed the reported party that an investigation has been started you can decide to stop the process. The only exception is where the case involves risk to yourself and/or others and we may need to take some form of action. We will always discuss this with you before taking any action.

# **What happens if the reported party cannot attend the required meetings?**

When the reported party cannot attend the initial meeting date/time given they can request a new date or time to be organised. If they then do not attend this meeting as well as other required meetings throughout, the case will still be considered, and a decision made in their absence.

# **Who will be told about cases of misconduct and its outcome?**

Who is told about cases of misconduct and their outcome is the decision of the investigator or convener of a Review Panel.

Reporting parties will always be told of the outcome of investigations including the potential disciplinary and safeguarding measures which have been put in place. This will usually be communicated shortly after the period for the reported party to appeal has passed.

Reported parties will be told the outcome of each stage. Additionally, during the investigation or Review Panel, notes from any meetings or information that has been collected will be shared with the reported party. This will follow GDPR and confidentiality regulations.

In some cases, specific school leads or the AUSA CEO may be told necessary information related to the misconduct case and its outcome if a student of theirs/AUSA is involved. This will allow them to follow their own processes. For example, the School of Medicine may be told so that they can conduct a Fitness to Practice investigation if necessary.

**There is no “outing” at the University of Aberdeen**

If you choose to report Gender-Based Violence to the University, your personal details, including those pertaining to your sexual orientation, gender identity, and employment (including engagement in sex work), will not be shared with any other person (including your emergency contact) without your consent nor will that information be disclosed as part of any University investigation or disciplinary proceedings related to your report without your consent.

# **The process for cases of reported misconduct**

There are 4 potential stages:

1. Initial Review
2. Investigation
3. Review Panel (if applicable)
4. Appeal

**Initial Review**

The reported behaviour is considered and whether it falls under the Code or not is established (this is decided by the Case Manager).

It may be decided at this point that an alternative or additional process is appropriate including the Complaints Handling Process; Code of Practice on Student Discipline (Academic); Fitness to Practice Processes; AUSA processes; or our Support for Study processes.

The reporting party is entitled to know the outcome of the initial review and can appeal the decision to a Review Panel if they wish to.

**Investigation**

This stage is carried out by the Investigator and will try to establish the facts of what has happened, collect relevant information, and speak with any necessary parties. It will be carried out as informally as possible.

Conclusions the investigator may come to:

* Dismiss reported misconduct and close the case.
* Misconduct is likely to have occurred, but the matter has now been resolved.
* Misconduct did occur.

If deciding that misconduct did occur the investigator will recommend an outcome to the reported party. If they do not accept this the case will be sent to a Review Panel. Additionally, if the outcome would threaten the reported party’s registered student status (e.g., expulsion), the case will always be sent to a review panel to ratify the outcome

**Review Panel**

The panel examines the case and related documents/information. It provides an opportunity for the reported party to share their statement and answer questions the panel might have.

This stage ends with the convenor outlining next steps the Panel might need to take and letting the reported party know the timeframe for an outcome to be given.

Following the Review Panel, the Panel will reach a decision including the outcome which will be communicated to the reported party in writing

**Appeals**

If they wish, the reported party can ask for an appeal to the decisions of the Case Manager, Investigator or Review Panel. There must be valid grounds for appeal for a reported party to raise one. See these specific grounds outlined in the Code of Practice (p.10).

Appeals need to be made in writing to the Case Manager within 10 working days of the decision they are appealing taking place.

**Timeline of the process**

**Stage 1: Initial Review** – **1 week**

-Completed within 5 working days of the case being raised with a Case Manager.

**Stage 2: Investigation** – **2 weeks**

-Decision reached within 10 working days of the initial referral from a Case Manager.

**Stage 3: Review Panel** – **2 weeks**

-Review Panel will be organised within 10 working days of it being requested by the Investigator.

-72 hours before the panel, all involved parties will be given a copy of the papers being provided to the Panel.

-The Panel will come to a decision within 10 working days.

-Decision of the review panel will be communicated to the reported party within 5 working days.

**Stage 4: Appeal** – **2 weeks**

-Appeals must be made within 10 days of the decision being communicated.

**The entire process should take between 3-7 weeks depending on if the Review Panel or Appeal stages take place. Please note, the timescales listed above are approximate and are subject to change on a case-by-case basis.**

# **What are the potential outcomes of this process for the reported party?**

Where the reported party has been found to have engaged in misconduct, there are several potential measures which might be implemented as a result. The severity of the measure is dependent on the severity of the misconduct.

**Can be implemented after the Investigation stage:**

* The reported party must write a reflective letter or essay summarising their behaviour and the steps they will take to ensure it doesn’t happen again.
* Make payment to cover the cost of damages to property or fees incurred by the University because of their misconduct.
* Make a payment to another party where they have directly suffered loss because of the behaviour of the reported party.
* Undertake a training course or programme linked to the behaviours in question.
* Temporary exclusion from access to elements of university locations, activities or services for a period lasting no longer than 1 month.
* The reported party may be asked to move rooms if they are living in university accommodation where this is required for the wellbeing of flatmates and other residents.
* If staying in university accommodation a fee may be payable for certain behaviours.
* Within the academic environment, a reported party might be required to change their arrangements so that they are not interacting with any impacted parties This could include a change to a single course or programme level.
* Requirement to engage in community service activity which benefits the wider university community.
* Instruct the reported party to cease contact with another named individual, individuals, or group of people or to keep their contact limited to one method.

**Can be implemented after the Review Panel stage:**

* Exclusion from access to certain University locations, activities, or services for a period of longer than 1 month.
* Suspension from study for a reasonable period (usually up to 12 months).
* Expulsion from the University (used in extremely severe cases). This would need to be approved by the Principal.
* For cases within university accommodation, it could be recommended that the reported party only be excluded from their ability to reside in their accommodation not their ability to continue their studies.

*For further details see Annex C of the Code of Practice (p.13)*

**Where a reporting and/or impacted party are involved in a case, they will be entitled to know the outcome of the Investigation or Review Panel, including details of any formal outcomes given.**

# **What does the University mean by….**

**Expulsion?**

Termination of matriculated student status. This includes no longer being permitted to attend the University or any University activities. Students who have been expelled are not normally eligible for re-admittance.

**Suspension?**

Temporary suspension of matriculated student status. This includes being prohibited from attending University or any University activities for an agreed period of time. Some exceptions may be granted such as allowing the reported party to take a necessary exam.

**Exclusion?**

Involves the selective restriction on attendance at or access to the University or any of its services, locations, or activities. This might include exclusion from participation as a member of AUSA or one of its associated groups. Exclusion could also extend to restriction to access to other areas such as hospital wards or school premises (if access to such places is an integral part of the student’s programme of study or professional training)

# **SEEKING SUPPORT**

All students can seek support from Student Support services. This includes if you have been the victim of a crime or have experienced misconduct and need support. You do not have to report what has happened to the police nor do you have to raise a misconduct investigation against the perpetrator unless that is something you want to do.

Reported parties can also access support from our team and will not be judged on the basis of any report that has been made about them. The person providing support for a reported party will be different from the person providing support for a reporting party, and we will ensure that reporting and reported parties do not have to share the same space.

If, in the process of seeking support you also report misconduct it does not mean that a misconduct investigation will happen automatically. An investigation would only be started if that is what you wanted to happen. The only exceptions to this are:

1. You are at risk.
2. Someone else is at risk.
3. There is a legal obligation to investigate.

Overall, the University wants to ensure you have agency when seeking support and pursuing misconduct investigations.

You can contact student support by email or phone:

Email: student.support@abdn.ac.uk

Tel: (01224) 273935

Additionally, you can use our [Online Reporting Tool](https://www.abdn.ac.uk/about/inclusive/support/support.php) if you would like to report an incident of misconduct and receive support. This can be done anonymously if you wish. Please note that if you do report using the Tool anonymously Student Support will not be able to reach out to provide further support (however you will still be provided with support resources).