



STUDENT CODE OF CONDUCT

2024-25

STUDENT CODE OF CONDUCT

2024-2025

CONTENTS

1. OVERVIEW.....	3
2. SCOPE	5
3. UNIVERSITY RESPONSIBILITIES.....	7
4. MISCONDUCT OFFENCES.....	8
5. MISCONDUCT AND THE LAW.....	13
6. REPORTING MISCONDUCT AND CODE OF CONDUCT INVESTIGATIONS.....	14
7. SANCTIONS.....	19
8. APPEALS AND COMPLAINTS.....	27
9. RECORDING, REPORTING, PUBLICISING AND LEARNING FROM COMPLAINTS AND APPEALS.....	30
10. REMIT AND LIMITATIONS OF THE STUDENT CODE OF CONDUCT COMPLAINTS AND APPEALS PROCEDURES .	32
APPENDIX I: HOUSING AND ACCOMMODATION.....	33
APPENDIX II: GROUPS, CLUBS AND SOCIETIES	35
APPENDIX III: SEXUAL HARASSMENT AND SEXUAL ASSAULT	37
APPENDIX IV: BULLYING.....	41
APPENDIX V: SANCTIONS TABLE	42

1.0 OVERVIEW

- 1.1 Richmond American University London expects its students to uphold high standards of behaviour and conduct at all times, and to support the [institutional vision and mission and uphold its values](#).
- 1.2 The *Student Code of Conduct* sets out expectations for student behaviour and the procedures the University uses to resolve matters when student behaviour is unacceptable. *The Student Code of Conduct* states the University's expectations for student conduct; outlines examples of misconduct offences; and states how the University will handle such offences. It outlines specific responsibilities and actions for staff who investigate alleged offences and who apply disciplinary penalties. It outlines an appeal process for decisions taken under the *Student Code of Conduct*, and links to the University complaints procedures.
- 1.3 The primary purposes of the University are teaching, learning and research. This requires members of the University community to live and work beside each other in conditions which permit freedom of thought and expression and mutual respect. Agreeing to abide by the *Student Code of Conduct* is a condition of enrolment at the University.
- 1.4 Students are expected to comply with University policies and regulations. Where they do not comply with these requirements, and where they disrupt University activities, the University will follow relevant procedures to resolve matters, and the *Student Code of Conduct* forms a part of this. Failure to comply with this *Code* will be treated as misconduct.
- 1.5 The University aims to deal with all disciplinary issues in a fair and consistent manner. It recognises that, for the student and staff concerned, involvement in disciplinary procedures can be difficult and stressful. The University will therefore ensure that those involved are made aware of available guidance and support, and that disciplinary issues are dealt with as quickly as the specific circumstances allow, and ideally in a developmental manner. When appropriate, some aspects of the investigations and appeals processes may, in limited circumstances, be altered for students as a reasonable adjustment.

- 1.6 Oversight of the University's *Student Code of Conduct* is the responsibility of the Vice-President for Student Affairs. The *Student Code of Conduct* is reviewed by the relevant Committees (the Student Experience Committee and its sub-committees) and is approved by the University Board.
- 1.7 There will be an annual review of all actions taken under the Code by the University Board every January, and the review will be passed to the relevant Committees of the Board of Trustees for comment. The *Student Code of Conduct* itself shall also be reviewed annually.
- 1.8 All matters addressed under the *Student Code of Conduct* will be treated in strict confidence and in accordance with relevant data protection and privacy legislation.
- 1.9 The University welcomes input from students as this enables us to develop and improve the student experience, academic offerings, and the support we provide to students. However, if the university receives a formal complaint which is demonstrably false or vexatious it reserves the right to take action under the *Student Code of Conduct*.
- 1.10 The University operates the *Student Code of Conduct* under the principle of *Ignorantia juris non excusat* in that the student who is unaware of the *Student Code of Conduct* may not escape liability for violating the Code merely because the student was unaware of its content.

2.0 SCOPE

- 2.1 The *Student Code of Conduct* applies to all students of the University. This includes: full-time and part-time students, study abroad students, visiting students, and any other individual receiving formal teaching or instruction from the University, whether for-credit or not-for-credit (“the student”).
- 2.2 The *Student Code of Conduct* applies to
- a. activities in which they engage in their capacity as students of the University; or
 - b. services or facilities they enjoy by virtue of being a student of the University; or
 - c. their presence in the vicinity of, or their access to, any premises owned, leased or managed by the University, including but not limited to campuses and buildings in Richmond and Kensington, the study centre in Leeds, and the educational sites in Florence and Rome; or
 - d. activities related to a class, trip, or university sponsored or supported event off- campus; or
 - e. activities related to student workers’ conduct whilst representing the University; or
 - f. any activity not covered by a), b), c), d) or e) above, which is considered to affect adversely the safety, interests or reputation of the University, its students, employees, or authorised representatives.
- 2.3 Visiting students, study abroad students, and other students may be subject to additional policies and regulations from another institution or institutions, but are similarly required to comply with University policies and regulations during their time at this University.
- 2.4 By enrolling on any University course or programme, a student becomes a member of the University community and is subject to University discipline.
- 2.5 Students' behaviour may be affected by some health conditions or specific needs. However, the University has a duty to ensure that members of the

University community are not subjected to unacceptable behaviour and any allegations of inappropriate behaviour will be investigated. Where health conditions, specific needs, or other mitigating circumstances may be a contributing factor, further evidence will be sought and taken into account. Where health conditions, specific needs, or mitigating circumstances have contributed to unacceptable student conduct, the University will endeavour to offer appropriate support to assist the student but may take action under the *Student Code of Conduct*.

- 2.6 Student organisations and groups formally recognized by the University are subject to the same regulations as individual students. Organisations may be disciplined if a significant number of students involved in an alleged offence belong to the group or if the planning and leadership responsible for an alleged offence came from the student members of an organisation or group. Sanctions for group or organisation misconduct may include probation, withdrawal of official recognition, limitations on the use of facilities and privileges afforded by the University, as well as other appropriate sanctions as provided in this Code. See Appendix II.
- 2.7 Considering and using disciplinary action at an early stage can prevent more serious offences or issues arising. The University views the *Student Code of Conduct* and discipline procedures as a part of a welfare approach: misconduct may be the first indicator of underlying problems. The process can provide students with an opportunity for reflection and learning.
- 2.8 Students are encouraged to inform University staff of possible violations of the *Student Code of Conduct* as soon as possible after a possible violation has occurred.

3.0 UNIVERSITY RESPONSIBILITIES

The University Board shall:

- 3.1 Make the *Student Code of Conduct* and associated guidance material available to all students, staff, and faculty.
- 3.2 Deal with student disciplinary issues in a proportionate, transparent and timely way.
- 3.3 Respect the need for confidentiality in relation to disciplinary issues.
- 3.4 Implement the *Student Code of Conduct* in line with relevant data protection legislation.
- 3.5 The University Board may devolve responsibility to relevant Committees and Boards, with appropriate student membership, for:
 - 3.5.1 Keeping the *Student Code of Conduct* under review and proposing amendments to the University Board.
 - 3.5.2 Discussing, reviewing, and approving appropriate student disciplinary procedures and guidance.
 - 3.5.3 Considering an Annual Report about the number, types, and outcomes of cases of misconduct found to have been committed and make this information available in the appropriate format to the Office of the Independent Adjudicator and other external bodies as required.

4.0 MISCONDUCT OFFENCES

4.1 The University may choose to investigate and respond to misconduct allegations whether they take place on University premises or elsewhere, including online and in social media.

4.2 Misconduct Categories

The University accepts that misconduct offences will vary in significance and seriousness. In order to ensure appropriate review of an alleged offence and to ensure that appropriate and proportionate sanctions are applied the University will consider non-academic misconduct violations according to the following types:

Type 1 – acts against a person

Type 2 – offenses related to property

Type 3 – acts against the University

The determination of the type of offence committed lies with the University. Guidelines are provided in Appendix VI.

4.3 **Type 1: Acts against a person** include physical misconduct; sexual misconduct; abusive behaviour, and; harassment. Below, "Person", means any student of the University; any employee of the University; any visitor to the University; any subcontractor engaged by the University or any other authorised representative of the University. The specific allegations in this category are:

4.3.1 Disrupting, or interfering with any academic, administrative, sporting, social or other University activities.

4.3.2 Obstructing, or interfering with, the functions, duties, or activities of any Person.

4.3.3 Violent, indecent, disorderly, threatening, or offensive behaviour or language (whether expressed orally, in writing or electronically) including harassment of any Person whilst engaged in any University work, study or activity, including behaviour influenced by drugs or alcohol. "Harassment", in the context of this Code is any unwanted physical, verbal or non-verbal conduct which has the

purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

- 4.3.4 Conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study, or activity.
- 4.3.5 victimising or discriminating against any Person on grounds of age, disability, race, ethnic or national origin, religion or beliefs, sex, sexual orientation, gender reassignment, pregnancy, maternity, marriage or civil partnership, colour, or socio-economic background.
- 4.3.6 Recording any Person without consent; transmitting, broadcasting, or publishing the words or actions of any Person without consent, or in a way which may cause distress or harm.
- 4.3.7 Possession, transportation, storage, use, or manufacture of firearms, firecrackers, guns, knives, explosives, weapons, or any item which is intended to be used as a weapon or has been modified or adapted so that it can be used as a weapon.
- 4.4 **Type 2: Acts against property** include damage to property; unauthorised use or taking of property; Causing a health or safety concern. The specific allegations in this category are:
 - 4.4.1 Unreasonably obstructing, or interfering with, the functions, duties, or activities of any Person.
 - 4.4.2 in a way likely to cause injury to any Person or to impair safety.
 - 4.4.3 Failure to comply with housing and accommodation policies and rules. This includes violation of University policy by an acknowledged guest and multiple/repeated Residence Hall Community Standards Violations.
 - 4.4.4 Fire regulations:
 - 4.4.4.1 Covering a smoke detector, smoking in a room, or blocking a fire exit. If any violation is made within a room in the residence halls, both residents will be held responsible unless evidence can be provided proving otherwise. Where fines are incurred, each roommate will be charged according to Section 7.6.

- 4.4.4.2 Misuse of safety equipment. Tampering with fire-related equipment will result in an automatic fine according to Section 7.6 for the first offence; a second offence may result in loss of housing if the student lives on campus, or dismissal from the University.
- 4.4.4.3 Failure to evacuate the building during an alarm will result in a fine according to Section 7.6.
- 4.4.5 Damaging, defacing, stealing or misappropriating University property or the property of any Person, whether deliberately or recklessly.
- 4.4.6 Misusing or making unauthorised use of University premises or items of property, including IT facilities or safety equipment.
- 4.4.7 Smoking and vaping. Smoking and vaping are prohibited in all University-managed buildings (including residential partners), and in the 'clean air zone' which is managed by Enjoy Work at Chiswick Park. This applies to all dormitory rooms, corridors and common spaces. Students found smoking or vaping indoors will be fined £150. A first outside smoking offence will incur a warning, while second and each further offence will incur a fine of £80.
- 4.4.8 Drugs. The use, consumption, possession, sale, distribution or abuse of illegal drugs or controlled substances or drug paraphernalia, including the sale of prescription drugs. Students who are present in the immediate environs where such materials are used or found may also be presumed to be in possession and may be charged with possession of those materials on the basis of the balance of probabilities.
- 4.4.9 Alcohol. The consumption, distribution and/or abuse of alcoholic beverages by any individual under the legal age limit, or by any individual in common areas on University property (except in specific cases which are clearly defined and authorised). Common areas include but are not limited to corridors and common rooms. Students over the UK legal age limit may drink in moderation in their own rooms in such a way that does not adversely affect others.

4.5 Type 3: Acts against the University include operational obstruction and reputational damage/risk. The specific allegations in this category are:

- 4.5.1 Disrupting, or interfering with any academic, administrative, sporting, social or other University activities.

- 4.5.2 Significantly obstructing, or interfering with, the functions, duties, or activities of any Person.
- 4.5.3 Conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study, or activity.
- 4.5.4 Fraud, deceit, falsification of documents, 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.
- 4.5.5 Failing to comply with any University rule, regulation or policy or the reasonable instruction of a member of staff or faculty acting in the performance of their duties; refusal to respond promptly and appropriately to a request to report to an administrative office. This includes failure to pay, in a timely fashion, any fee, fine, charge, or assessment imposed by the University. This also includes failure to present University identification upon request by an authorized University official.
- 4.5.6 Deliberately doing, or failing to do, anything which thereby causes the University to be in breach of a statutory obligation, including but not limited to University obligations under the Prevent Duty and the Equalities Act (2010).
- 4.5.7 Behaving in a way which brings the University into disrepute (without prejudice to the right to fair and justified comment and criticism)
- 4.5.8 Behaving in a way which poses a reputational risk to the University (without prejudice to the right to fair and justified comment and criticism).
- 4.5.9 Making false, frivolous, malicious, or vexatious complaints to the University.
- 4.5.10 Failing, upon request, to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given.
- 4.5.11 Failing to comply with a previously-imposed penalty under this Code.
- 4.5.12 Any misconduct prior to a student's enrolment at the University, which was not previously known to the University, which raises questions about the fitness of the student to remain a member of the University community; poses a threat to any Person or the discipline and good order of the University; or raises questions about the student's fitness to be admitted to and to practise any particular profession to which the student's course or programme leads directly.

- 4.5.13 The recording, copying, transmission or broadcasting of any University activity, in or via any media or medium, without express consent and prior permission. For further details, please refer to the *Recording of Classes and Activities Policy*.
- 4.5.14 Failing to report a possible violation of the Code to a member of staff or not taking reasonable steps to prevent a violation of the code.
- Any other act or omission which a student may be reasonably expected to know is likely to be inappropriate or unacceptable to the university community, and any behaviour which may be reasonably considered to be in violation of the university values.
- 4.6. Detailed regulations and policies are published separately covering, for example, the use of computing facilities and IT, the use of personal data (in connection with academic work), and University managed accommodation. Breaches of any of these or other University regulations or policies which amount to misconduct as outlined above, may be dealt with under the *Student Code of Conduct*.
- 4.7. The University maintains high standards with regard to academic conduct and regards the teaching of academic values as an important part of its mission. Please note that allegations of Academic Misconduct are managed by a standalone academic policy, and not are in the remit of the Student Code of Conduct. For more information, please refer to [Academic Misconduct Reporting and Appeals Policy – Coursework](#), [Academic Misconduct Reporting and Appeals Policy – Examinations](#), [Academic Appeals Policy relating to Grade Challenges](#).
- 4.6. Any finding of misconduct and/or decision to impose a sanction or punishment under the Student Code of Conduct may be appealed according to the *Student Code of Conduct* Section 8: Appeals and Complaints.

5.0 MISCONDUCT AND THE LAW

- 5.1 The University may report to the police any allegation that a criminal offence has been committed.
- 5.2 The University encourages any student who has been the victim of an alleged criminal offence to report this to the police, and, if relevant, to the University.
- 5.3 Where alleged misconduct constitutes a criminal offence, the University may investigate or take disciplinary action whether or not the matter has been referred to the police and whether or not criminal proceedings have begun or been completed.
- 5.4 The University may, at its discretion, suspend any internal investigation or disciplinary action on alleged criminal misconduct to await the outcome of any criminal proceedings. The decision whether or not to suspend the University's disciplinary process is taken collectively by the Vice President (Pro-Vice Chancellor) for Student Affairs in consultation with one other member of the University Board.
- 5.4 The University may investigate and take disciplinary action on alleged misconduct whatever the outcome of any external proceedings about the same matter and irrespective of whether external proceedings have been concluded.
- 5.5 Where the student is convicted of or cautioned or warned for an offence, this may be relied upon as evidence in any University proceedings provided that the circumstances leading to that conviction are directly relevant to those proceedings.
- 5.6 Any sentence or order pronounced by a Court of law may be taken into account in the imposition of any disciplinary penalty.
- 5.7 The University, where possible, will endeavour to record initial details of incidents to aid with law enforcement investigations as appropriate, and will hold these in line with the University's obligations under the General Data Protection Regulations.

6.0 REPORTING MISCONDUCT AND CODE OF CONDUCT INVESTIGATIONS

Overview

- 6.1 It is possible to resolve some conduct allegations informally and at an early stage. Staff who receive allegations may exercise their discretion on whether to resolve matters locally, for example intervening to stop poor behaviour in University buildings.
- 6.2 Allegations of student misconduct which are not resolved informally will be reviewed and investigated.
- 6.4 Students, staff and faculty may report allegations of student misconduct to any member of the Student Affairs team or member of the Student Code of Conduct Committee. These will be taken forward by the University and either resolved informally or through *the Student Code of Conduct* or other appropriate University policies and regulations.
- 6.5 Anonymous reports of student misconduct will only be accepted through the University's reporting tool available at students.richmond.ac.uk. It shall be the responsibility of the Review Officer to establish whether an anonymous report provides sufficient verifiable detail in order to initiate further investigation under the *Student Code of Conduct*. Where an anonymous report is considered to be vexatious or if there are safeguarding concerns, the Review Officer may take reasonable steps to identify and contact the reporting party.
- 6.6 Staff with responsibility for the discipline procedures provide advice to students on which of the procedures should apply to relevant elements of the case.
- 6.7 Staff with responsibility for each stage of the investigation and appeals processes will take reasonable steps to ensure that the process is accessible for students with disabilities, chronic illness or other personal challenges. Students are encouraged to disclose such needs to the relevant member of staff, who may implement adjustments such as:
- i. Meeting online rather than in-person
 - ii. Considering a written statement in place of a meeting

- iii. Establishing the grounds for an appeal via a meeting in place of a written statement
- iv. Breaks during meetings or the right to reschedule
- v. Additional time to gather evidence for appeals if a request is made in writing by the initial stated deadline

The Review Stage

- 6.8 Within 5 days of receiving a report of an alleged violation of the *Student Code of Conduct*, the University will review the allegation and attempt an informal resolution if appropriate. Informal resolutions may be recorded by the Department of Student Affairs but are not added to the student record. Where an informal resolution is not possible or appropriate the University will initiate a Code of Conduct Review.
- 6.9 A “Review Officer” will investigate the alleged misconduct, in accordance with this Code. The “Review Officer” will normally be a member of the Student Code of Conduct Subcommittee, but may, when appropriate, be an employee from another Department or Office of the University.
- 6.10 The Review Officer will decide whether it is necessary to investigate an alleged violation. As early as reasonably practical, the Review Officer will tell the student the specific alleged offence(s) and give the student the opportunity to answer them. If the Review Officer brings additional or alternative charges against the student during the review process, the student will be informed and offered the opportunity to respond. Students may wish to liaise with a representative of the Student Government Association to support them through this process.
- 6.11 Students under investigation may bring a friend to meetings with a Review Officer or panel. The student must inform the Review Officer in advance if they intend to bring legal representation to an investigation meeting/panel, in which circumstances the University reserves the right to also include a member of its legal team and delay the date of the meeting if necessary to accommodate all parties.

- 6.12 The University may use evidence from University information systems, including email, websites, and CCTV footage, and from external proceedings (see *Student Code of Conduct* 5.0 Misconduct and the Law) in investigations. All students agree to this as a condition of enrolment.
- 6.13 Investigation may also include interviews with: the responding party, the reporting party, employees, students, and members of the public. Evidence may be provided to the Review Officer in writing in addition to, or instead of, attending an interview. Printed and digital materials may also be offered as evidence.
- 6.14 The Review Officer will ensure that the responding party is provided with suitable time to prepare for a meeting. An investigation meeting or panel will normally be scheduled with at least five working days' notice.
- 6.15 The Review Officer or Review Panel may decide an outcome based upon the available evidence in the absence of the responding party if the responding party fails to respond in a timely manner or attend a scheduled interview.
- 6.16 As resources allow, the Review Officer will keep comprehensive records of each stage of their disciplinary procedure, including: correspondence with the student, documents, and information received, evidence considered, notes of meetings or discussions held, and the reasoning for any decision reached and for any penalty applied. The Review Officer takes responsibility for ensuring their records are accurate. In some cases, interviews may be recorded by the University as a means of making a verbatim record. A student may obtain a copy of a recording, on request, subject to the requirements of the GDPR, but may not provide the material to a third party without the written permission of the university.
- 6.17 People involved in an investigation may not attempt to make recordings relating to any stage of the misconduct process.
- 6.18 Individuals providing evidence to a Review Officer may be subject to charges of dishonesty under the *Student Code of Conduct* Section 4.5 if their statement is considered to be purposefully inaccurate/ misleading.

- 6.19 People in a conduct review may not discuss the case outside of the confines of the review without the written permission of the Review Officer.
- 6.20 If the student admits to a violation of the *Student Code of Conduct* and/or in the opinion of the “Review Officer” there is sufficient evidence on the balance of probabilities of a violation of the *Student Code of Conduct*, the Review Officer may move to the Sanction stage.
- 6.21 The University will take all reasonable steps to ensure that investigation proceedings remain confidential during and after the investigation.

The Sanction Stage

- 6.22 The process for deciding whether misconduct has taken place (and applying appropriate sanctions) depends on the severity of the allegations in relation to Appendix VI:
- (i) For allegations classed as “significant,” the Review Officer will decide whether or not the misconduct has taken place.
 - (ii) For allegations classed as “major,” a panel will be convened consisting of three members of the Student Code of Conduct Committee. This panel will decide whether or not the misconduct has taken place.
- 6.23 The Review Officer or Panel may:
- (i) **Dismiss** the allegation of misconduct, in which case the Review Officer writes to the student to confirm this; or
 - (ii) **Uphold** the allegation, in which case the Review Officer writes an official notification setting out the case and the decision, any sanctions which have been agreed, and an outline of the appeals process.
- 6.24 Decisions made by panel may be made by majority. This will be noted in the outcome notification.
- 6.25 Suspension or dismissal outcomes must be recommended to the Student Code of Conduct Subcommittee for ratification, which will evaluate the recommendation based on similar cases and amend if appropriate.

- 6.26 Investigations and appeals make a determination on the basis of the balance of probabilities/preponderance of evidence. The University must discharge the burden of evidence to demonstrate that misconduct probably took place in the case of conduct reviews. The burden of evidence lies with student in appeals, who must demonstrate, on the balance of probability, that there is one or more ground for changing an initial outcome.
- 6.27 All investigation outcomes are reported to the Student Code of Conduct Committee, which oversees all sanctions based on similar cases.
- 6.28 Pending action on any charges, the status of the student will not be altered, except in cases involving Managed Exclusion Orders, and only in accordance with the procedures for such an Order.
- 6.29 The University reserves the right to notify parent(s) or guardian(s) of any or all levels of disciplinary sanctioning, subject to the relevant data protection laws. For visiting students, the University also reserves the right to notify the student's home institution of any or all levels of disciplinary sanctioning, subject to the relevant data protection laws.

7.0 SANCTIONS

7.1. The University regards the *Student Code of Conduct* as part of a welfare approach to the student experience. The goals of administering sanctions for violation of the *Student Code of Conduct* include providing students with educational opportunities for a positive University experience, providing opportunities to develop skills to eliminate harmful behaviours, and providing relevant outlets for personal growth and development. The following University sanctions assist all students in achieving these goals and in reaching their highest potential by becoming contributing members of the University community.

7.2. Leaving the university (e.g., withdrawing, completion of studies, dismissal for another offence, etc) will not automatically terminate proceedings and action being taken under the Code of Conduct. The university may, at its own discretion, continue to investigate and determine the outcome of a case and recommend sanctions after a student leaves the university. Relevant sanctions, such as being prohibited access to university premises, remain in place after an individual has left the University.

7.3. Failure to complete all sanctions (including payment of fines) by the deadline will result in a disciplinary hold being placed on the student's records. A disciplinary hold prevents a student from registering for classes, receiving grades, and obtaining a University transcript or diploma.

General Principles

7.4 A student facing possible disciplinary suspension, dismissal, or involuntary residence hall removal, is only permitted to withdraw from the University with written permission from the Vice President for Student Affairs..

7.5 If a student is suspended or dismissed for disciplinary reasons, the suspension or dismissal may take precedence over withdrawal. This decision lies with the Vice President for Student Affairs..

7.6 A student's previous disciplinary record may not be considered with reference to determining the review stage of a conduct review. However, the previous disciplinary record may be used to determine appropriate sanctions during a sanction stage.

7.7 **Developmental Sanctions** are not 'punitive', they may be required at the discretion of the Vice President for Student Affairs or designee without recourse to a full disciplinary investigation. Developmental sanctions may also be required as result of a full Code of Conduct investigation. Developmental sanctions include:

7.7.1. **Mentoring.** Mentoring is defined as an assignment to a faculty, staff, community, or student mentor to provide support in the areas of personal and academic development. The frequency and duration of the mentoring relationship will be established by the Department of Student Affairs but may be deferred to the assigned mentor. Any missed appointment with an assigned mentor will be considered a violation of this sanction.

7.7.2. **Mediation.** Students may be required to participate in a session or sessions where a third party facilitates the development of a mutually acceptable resolution to a dispute. Students experiencing interpersonal conflict may be referred to the mediation program by the Office of Student Affairs. If mediation efforts are refused or unsuccessful, the case may be referred back to the Vice President of Student Affairs for further action under the Student Code of Conduct.

7.7.3. **Counselling.** Students may be required to attend individual or group counselling sessions. Counselling will be provided or approved by a professional counsellor as specified by the Department of Student Affairs. The counsellor will determine the frequency and duration of the counselling sessions. The initial costs of counselling will be borne by the University, normally up to a maximum of six sessions.

7.7.4. **Sexual Consent Awareness training.** Students may be required to attend sexual consent awareness training. The nature of the programme will be determined by the Department of Student Affairs, and the initial costs of the programme will be borne by the University, normally up to a maximum of six sessions.

7.7.5. **Racial, gender and sexuality awareness training.** Students may be required to attend an appropriate awareness programme. The nature of the programme will be determined by the Department of Student Affairs, and the

initial costs of the programme will be borne by the University, normally up to a maximum of six sessions.

7.7.6. Alcohol Awareness Programme. Students may be required to attend an Alcohol Awareness Programme. The nature of the programme will be determined by the Department of Student Affairs, and the initial costs of the programme will be borne by the University, normally up to a maximum of six sessions.

7.7.7. Drug Awareness Programme. Students may be required to attend a Drug Awareness Programme to be determined by the Department of Student Affairs. The nature of the programme will be determined by the Department of Student Affairs, and the initial costs of the programme will be borne by the University, normally up to a maximum of six sessions.

7.7.8. Anger Management Workshop. Students may be required to attend a mandatory Anger Management Workshop or counselling. The nature of the workshop or counselling will be determined by the Department of Student Affairs, and the initial costs of the programme will be borne by the University, normally up to a maximum of six sessions.

7.7.9. Community Service. Students may be assigned to provide volunteer assistance to a University Department, community agency, or individual. Service hours will be assigned and monitored by the Department of Student Affairs. Assigned hours not performed by the specified deadline will be considered a violation of this sanction.

7.7.10. Specific and ad hoc developmental sanctions. Students may be required to attend and/or participate in an appropriate general developmental activity, to be specified by the Department of Student Affairs. Refusal to attend/participate in these activities will be considered a violation of these sanctions.

7.8 Appeals against developmental sanctions. Because the university expects that developmental sanctions are part of a welfare approach and are not 'punitive', they may NOT be appealed on the basis of disproportionality. Students may contact Student Affairs to enquire about the particulars of the developmental sanctions and express any concerns that have arisen, but the University is under no obligation to amend these sanctions on this basis.

- 7.9 Dismissal is the involuntary and permanent separation of the student from the University. The student's programme of study is terminated; the student is permanently banned from University property and/or University sponsored events, and the student is prohibited from re-enrolling at the University. Tuition and housing refunds are not available when a student is dismissed from the University for a breach of the *Student Code of Conduct*. A student may only be dismissed under the Student Code of Conduct at the recommendation of the Student Code of Conduct Committee, or by the President.
- 7.10 Appeals against dismissal under the *Student Code of Conduct* are heard by the VP for Student Affairs, or President in the event of a conflict of interests.
- 7.11 **Suspension.** Suspension is the involuntary, time-limited separation of the student from the University. The student's programme of study is halted; the student is temporarily banned from University property and/or University sponsored events, and the student is prohibited from re-enrolling at the University until the suspension has been served. Tuition and housing refunds are not available when a student has been suspended from the University for a violation of the *Student Code of Conduct*.
- 7.12 **Managed Exclusion Order.** In urgent situations, a member of the University Board, normally the Vice President for Student Affairs, may decide to immediately restrict a student from teaching and/or University facilities/services/events:
- a. who is a danger to him or herself or others; or
 - b. who is the subject of a major misconduct allegation; or
 - c. against whom a criminal charge is pending; or
 - d. who is the subject of a police investigation.
- 7.12.1 A Managed Exclusion Order is not used as a penalty. The power of the Order is to protect the members of the University community, a particular member, or members of the general public. The Order shall be used only where it is urgent and necessary to take such action. Written reasons for the decision are recorded and sent to the student.

7.12.2 The notice of a Managed Exclusion Order will specify:

- the beginning date
- the earliest date when the Order may be lifted
- the conditions which govern the term of the Order
- any additional requirements that must be fulfilled during the Order (such as a no contact order)
- any additional requirements that must be fulfilled prior to the lifting of the Order (such as a developmental sanction)
- any additional requirements that must be fulfilled after the lifting of the Order

7.12.2 Managed Exclusion Orders are reviewed every fifteen (15) working days by a member of the University Board or a designee. Such a review will not involve an interview or submissions made in person, but the student is entitled to submit written representations. A record of the review outcome is made and sent to the student.

7.12.3 Any student suspended under the provisions of this section must be given an opportunity within five working days to make representations in person and/or through a member of the University community, to the relevant University officer. The student is also entitled to make written representations.

7.12.4 Any decision to permit the student to return to the University following a period of managed exclusion will be sent to the student in writing. A decision to permit the student's return may be made subject to conditions. The student will be provided with information to support their reintroduction and any conditions which they need to meet.

7.12.5 Any student under suspension who returns to the campus during a managed exclusion without prior written permission from Vice President of Student Affairs or designee will be in breach of the Student Code of Conduct. The University reserves the right to contact the police

if a suspended or dismissed student enters university property without prior written permission.

7.12.6 A decision to impose a Managed Exclusion Order has no bearing or relationship to the outcome of any subsequent investigation, sanction and/or appeal.

7.13 **Disciplinary suspension.** A disciplinary suspension is a decision of the Student Code of Conduct Committee to impose an involuntary, time-limited separation of the student from the University following a Code of Conduct investigation. During a disciplinary suspension, the student shall not participate in any University sponsored activity, including teaching, and will be barred from University premises. The notice of disciplinary suspension will specify:

- the beginning date for the suspension
- the earliest date when the suspension may be lifted
- the conditions which govern the term of suspension
- any additional requirements that must be fulfilled during the suspension (such as a no contact order)
- any additional requirements that must be fulfilled prior to the lifting of the suspension (such as a developmental sanction)
- any additional requirements that must be fulfilled after the lifting of the suspension

7.13.1 Any student under suspension who returns to the campus during the period of suspension without prior written permission from Vice President of Student Affairs or designee will be in breach of *the Student Code of Conduct*. The University reserves the right to take legal action against students who breach this sanction.

7.13.2 Refunds are **not** available when a student is suspended from the University for Disciplinary Reasons.

WARNINGS AND PROBATIONS

- 7.14 **Disciplinary Warning:** Written action when the individual's conduct merits an official admonition. The student is advised that further misconduct may result in more severe disciplinary action under the Code of Conduct. The maximum duration of a disciplinary warning is 15 weeks.
- 7.15 **Disciplinary Probation:** A period of official censure, whereas a further violation by a student while on disciplinary probation may result in a University suspension or dismissal. The term of probationary status will be established by the adjudicating authority but may be no longer than one calendar year in each instance.
- 7.16 **Career Disciplinary Probation:** A period of official censure that is in effect throughout the entire duration of a student's enrolment and/or subsequent re-enrolment at the University. Additional violations by a student may result in a University suspension or dismissal.
- 7.17 **Loss of Privileges:** Loss of privileges may include the ability to participate in club or intramural sports, student organisations, and/or to represent the University in any official capacity. Loss of privileges may also include University services such as information/technology resources, including loss of University e-mail and internet access, recreational facilities, and dining services. The maximum length for loss of privileges shall normally be 12 calendar months; the Student Code of Conduct Committee must ratify any loss of privileges lasting more than 12 months.
- 7.18 **Financial Restitution:** A requirement to submit payment to the University or other specified person or groups for damages incurred as a result of any violation of this Code. Restitution may include a reasonable administrative fee for processing. The decision on the amount of restitution payable lies with the Student Code of Conduct Committee and is arrived at in consultation with relevant University offices (e.g., estates) and, when necessary, an individual or group who were impacted by the SCOC violation. A financial restitution penalty is recorded on the student record until graduation or departure from the University.

7.19 **No Contact Order:** The student will be directed to have no contact with a named person when it is determined that the student may pose a danger to the specified individual, and /or when, in the view of the Student Code of Conduct Subcommittee, contact may cause distress or alarm. Contact will be defined as any effort to reach the specified individual, including but not limited to initiating personal meetings, phone calls, e-mail, social media interactions, written documents, or through other individuals. This sanction can be issued on an interim basis pending the outcome of a formal disciplinary investigation or can be for a defined time period. Failure to comply with this sanction may result in further action under this Code.

OTHER OUTCOMES

7.20 **Written Apology:** The University may require the student to write a formal written apology for violations of the Code of Conduct. The content of the written apology will be determined through discussion with the parties involved in the violation.

7.21 **Fines:** The university may require the student to pay a fine for Type 2 (Property) and Type 3 (University) violations of the *Student Code of Conduct*. The amount of the fine will vary but will be commensurate with the cost of any damage done to goods or property and the severity of the offence, as determined by the Review Officer. There are fixed fines of:

- £200 for violation of the fire regulations [4.2 Type 2 (iv) a, b, and c.]
- for littering (£50)
- for marijuana possession and/or use (£80 for a first offence with additional sanctions also possible) and £200 for a second offence with additional sanctions also possible.

8.0 APPEALS AND COMPLAINTS

8.1 A student may appeal both the determination and the sanction imposed under the *Student Code of Conduct*, but an appeal may only be made on the basis of the following:

- a. Mitigating circumstances exist, that for good reason could not have been presented at the appropriate time, and that, if they had been known, it is reasonably likely would have changed the decision that was made. Mitigating circumstances claims must be supported by medical or other documentary evidence;
- b. a procedural irregularity occurred in the conduct of the work of the University (including an administrative error), or a matter was not dealt with in accordance with the current regulations, policies and procedures of the University;
- c. there are reasonable grounds to believe that a decision was manifestly unreasonable or influenced by prejudice or bias on the part of the decision- maker(s).

8.2 An appeal to sanctions implemented following a non-academic misconduct investigation will be reviewed by the Student Code of Conduct Committee who will make a recommendation to the VP of Student Affairs.

8.3 In the case of suspension or dismissal, a further appeal may be submitted to the President's Office and will be heard by the President or University Board designee.

8.4 All appeals will be provided in writing unless there are legitimate circumstances to hear an appeal through a discussion. The student making the appeal must provide a detailed description of the issues, addressing one or more of the categories provided above. Evidence must be provided to support the appeal. The student should also, if possible, indicate the outcome being sought for by making an appeal.

8.5 An appeal must be submitted within 5 working days of the notification of an outcome.

- 8.6 In the case of a group appeal, one student, identified in the appeal, will act as the lead student, with the other group members' names listed in the appeal. The University will only contact the lead student in connection with the group

appeal. The University will expect the lead student to distribute the University's communications among the group and collate the group's response to the University's enquiries to give to the University. The University cannot be held responsible if the lead student does not accurately provide the views of any member of the Group or if they do not pass on information from the University.

- 8.7 A group appeal is defined as an expression of dissatisfaction by two or more students about the University's action or lack of action, or about the standard of service provided by the University.
- 8.8 The appeals officer will acknowledge receipt of the student's appeal in writing, normally in 3 working days and provide a decision on the student's appeal in 10 working days. This decision may also indicate what action, if any, the University will take. Complex cases, such as those involving third parties or criminal proceedings may take longer to review. Where an offence on the Sanctions Table in the *Student Code of Conduct* treats the offence as Major, the university may, at its sole discretion, apply the sanction while an appeal is being held if it deems this to be in the best interest of the university community as a whole.
- 8.9 Students may not use the appeal procedures to bring frivolous or vexatious matters to the University's attention.
- 8.10 In a review of any case, policies stated on the University website and in written correspondence with a student will be understood to have been viewed and accepted by the student concerned.
- 8.11 The student may withdraw his or her appeal at any time, thereby halting the process; the withdrawal should be submitted in writing to the relevant University officer. Once an appeal has been halted it cannot be reinstituted on the same grounds.
- 8.12 Guidance and support for students making an appeal is available from the Office of Student Affairs.
- 8.13 The University pledges that students have the right to appeal without the risk of disadvantage.

8.14 In line with Office of the Independent Adjudicator expectations, once the student has finished the University's internal complaints or appeals procedures, the University will promptly send a [Completion of Procedures Letter](#) to the student. This Letter will set out clearly what issues have been considered and the University's final decision.

9.0 RECORDING, REPORTING, PUBLICISING AND LEARNING FROM COMPLAINTS AND APPEALS

- 9.1 Complaints and appeals provide the University with feedback which may be of use in identifying opportunities to improve services and facilities.
- 9.2 In line with the expectations of the Office of the Independent Adjudicator, the University will keep a record of all complaints and appeals at the formal and review stage, with a view to using the information to provide training and introduce improvements.
- 9.3 Concerns, complaints and appeals will be recorded in sufficient and proportionate detail, and care will be taken to ensure that a student is not identifiable.
- 9.4 There will be an annual review and summary of complaints and appeals, including [Completion of Procedures Letters](#), at the relevant Committee; those Committees will produce a summary report for discussion at the University Board.
- 9.5 The Registrar and Deputy Provost: Academic Operations serves as the University's point of contact with the Office of the Independent Adjudicator, but each department remains responsible for ensuring that appropriate records of complaints and appeals are maintained.
- 9.6 The University Executive and members of the University Board are reminded of the following from the Office of the Independent Adjudicator ([OIA](#)) [Good Practice Framework](#) (p.26). Senior management should ensure that:
- i. the University's final position on a complaint or academic appeal investigation is signed off by an appropriate person/officer in order to provide assurance that this is the definitive response of the university and that the student's concerns have been taken seriously;
 - ii. named individuals from the senior management maintain overall responsibility and accountability for the management and governance of concerns, complaints and academic appeals handling within the University;

- iii. senior management has a clear understanding of, and role in, the complaints and academic appeals handling procedures (this will include an oversight role and not necessarily mean being involved in the decision-making process);
- iv. mechanisms are in place to ensure a consistent approach to the way concerns, complaints and academic appeals handling information is managed, monitored, reviewed and reported at all levels in the University;
- v. concerns and complaints information are used to improve services to students and the student experience, and this is evident from regular publications;
- vi. Complaints and academic appeals procedures meet the requirements of chapter B9 of the [UK Quality Code](#).

10.0 REMIT AND LIMITATIONS OF THE STUDENT CODE OF CONDUCT COMPLAINTS AND APPEALS PROCEDURES

The Complaints and Appeals Procedures only apply to those areas where Richmond American University London has responsibility.

The University and its staff are required to work with a range of external bodies, and delays or problems may arise because of issues or problems in external bodies which are beyond the University's control. Where possible and appropriate the University will provide advice and support to assist students in their interaction with external bodies, but a complaint or appeal is only possible when it can be demonstrated that the University is responsible or has made an error.

For the avoidance of doubt, a student may not make a Complaint or an Appeal under this policy about an error, issue, or problem which arises because of the policies, procedures, decisions or working of an external body. This includes legal bodies and law enforcement authorities.

If a student wishes to complain about the service of another organisation provided on behalf of the university, the student should contact the appropriate organisation directly. The University will make reasonable efforts to ensure that those organisations have appropriate complaints procedures in place.

Students may also complain directly to the University about a service provided by another organisation, which the student feels have impacted on his or her learning experience.

APPENDIX I: HOUSING AND ACCOMMODATION

Residence Hall Probation:

A period of official censure, under which a further violation by a student may result in an involuntary residence hall removal. The term of probationary status will be established by the Review Officer or adjudicating panel. A Residence Hall probation is recorded on the student record until graduation or departure from the University.

Involuntary Housing Re-assignment:

Reassignment of housing to a new location. No housing refund is provided, and students are prohibited from visiting that residence hall once they have officially checked out. Students who violate this sanction may be subject to arrest for trespass.

Involuntary Residence Hall Removal:

Involuntary removal from the residence halls permanently or for a designated period of time. Students are prohibited from entering University residential areas or they may be subject to arrest for trespass. Removal from housing requires that the student properly check out of his or her room in accordance with applicable procedures and within the time frame as established by Student Affairs. No housing refund is provided, and students are prohibited from re-entering University housing once they have officially checked out.

Facilities Restriction:

An exclusion from a facility or area for a specified period of time. During this time period, a student may not enter or participate in any function within the confines of the specified area or facility. Any student on a facilities restriction who enters the area to which he or she was barred without prior written permission from an authorized representative of the Department of Student Affairs may be charged with trespass and subject to arrest.

Interim Facilities Restriction:

A student may be temporarily excluded from a facility or area for a specified period of time pending formal University adjudication of the case if it is determined that his/her continued presence constitutes an immediate threat of harm to themselves, other students, University personnel or to University property. An interim facilities restriction is issued by the Vice President of Student Affairs to ensure the safety and well-being of members of the University community, University property, or to ensure the student's own physical or emotional safety or well-being. Any student on an interim facilities restriction who returns to the portion of the campus to which he/she was barred without prior written permission from an authorized representative of the Vice President for Student Affairs may be charged with defiant trespass and may be subject to arrest and/or dismissal.

APPENDIX II: GROUPS, CLUBS AND SOCIETIES

1. A Group, Club or Society is any collective of students officially recognised by the University or the Student Government (whether or not in receipt of official assistance from the university) or which operates in a manner likely to give the impression of acting or operating with support or consent of the University
2. Hazing:
 - a. An organization and its student members are engaged in hazing if potential or current members engage in activities that cause the wilful destruction or removal of public or private property.
 - b. An organization and its members are engaged in hazing if it engages, for purpose of initiation or continuing membership, in an action which recklessly or intentionally endangers the physical or mental health of a student.
 - c. This means any potentially dangerous forced activity; any activity which could cause a student to suffer extreme mental stress; as well as any other form of forced activity potentially harmful to the mental health or dignity of a student.
 - d. Student organizations are prohibited from hazing applicants for membership and from hazing persons who are already members to maintain their memberships in organisations.
 - e. Any organisation found to have engaged in hazing may have its official recognition permanently revoked.
 - f. Any student who participates in hazing may be fined, suspended, or dismissed from the University.
 - g. Persons who may be found in violation of hazing can include those who implement or initiate hazing, anyone in a leadership role in the chapter or organisation, any new member who wilfully participates in hazing activities during new member education, and/or any other victims agreeing to the hazing.
3. Suspension of Group Recognition: Temporary withdrawal of all or part of official University recognition of a group. Such action may include conditions for

reinstatement of recognition. Total removal of recognition will result in complete suspension of the activities of the group.

4. Revocation of Group Recognition: Permanent cancellation of official University recognition and privileges of a group. Such action may include conditions for the reinstatement of recognition. Total removal of recognition will result in complete suspension of the activities of the group.
5. Financial restitution: A requirement to submit payment to the University or other specified person or groups for damages incurred as a result of any violation of this Code. Restitution may include a reasonable administrative fee for processing. The decision on the amount of restitution payable lies with the Student Code of Conduct Committee, and is arrived at in consultation with relevant University offices (e.g. estates) and, when necessary, an individual or group who were impacted by the SCOC violation. All members of the group, club or society are jointly and severally liable for any financial restitution. A financial restitution penalty is recorded on the student record until graduation or *departure from the University*.
6. Individual Sanctions. Any action taken under the Code of Conduct against a group, club or society does not preclude action against individual members of that group club or society under this Code.
7. Groups, Clubs and Societies are reminded of the statutory responsibilities of the University under the Prevent Duty and the Equalities Act.

APPENDIX III: SEXUAL HARASSMENT AND SEXUAL ASSAULT

Sexual Harassment Policy

Sexual harassment encompasses many of the specific policy definitions listed in this Code of Conduct. Sexual harassment is a form of sex discrimination. It is defined as “unwelcome conduct” of a sexual nature, including, but not limited to, sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s status in a programme, club/society, or activity; or
2. such conduct is sufficiently pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with an individual’s educational performance, or creating an intimidating, hostile, or offensive educational environment.

The effect of the conduct will be evaluated based upon the perspective of a reasonable person in the position of the complainant. “Unwelcome Conduct” is considered conduct to be undesirable or offensive to the individual if that person did not request, consent to, or invite the particular conduct.

Some examples of sexual harassment include, but are not limited to:

- Unwanted sexual advances, requests for sexual favours or propositions of a sexual nature;
- Direct or implied threats that submission to sexual advances is a condition for status in a programme, club/society, or activity; recommendations; etc.
- Unwelcome verbal, physical, online, or printed/written conduct of a sexual nature which an individual regards undesirable or offensive, including, but not limited to, sexually explicit jokes and statements, questions, or remarks about sexual activity or experience.
- Physical assault, including rape.

Sexual Misconduct Policy

- Sexual misconduct is the term used by the University to encompass non-consensual behaviour, including sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation. These are all forms of unwanted actual or attempted sexual activity and are violations of the University's Student Code of Conduct.
- **Sexual assault** is defined as a physical sexual act or acts committed against a person's will and consent, or when a person is incapable of giving active affirmative consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape," whether forcible or non-forcible, including what is commonly called "date rape" and "acquaintance rape," fondling, statutory rape, and incest. For statutory rape, the age of consent in the United Kingdom is 16 years old. Sexual assault can be committed by both males and females, and in both heterosexual and same-sex encounters. Nothing contained in this definition shall be construed to limit or conflict with the sex offenses enumerated in local borough and UK law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.
- **Affirmative consent** is a knowing, and voluntarily mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance in and of itself does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is

incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or cannot be given, sexual activity must stop.

- Affirmative consent may be withdrawn at any time without fear of retaliation. Retaliation is defined as any intimidating, harassing, or retributive action including, but not limited to, violence, threats of violence, property destruction, adverse educational or employment consequence, and bullying of any person for reporting a violation or for participating in any way in the investigation or conduct process.
- **Non-consensual sexual contact** means the deliberate touching of another person's intimate body parts, however slight, with any body part or object, by a man or a woman upon another man or woman that is without active affirmative consent and/or by physical force, violence, threat of violence, intimidation, or coercion. Using force, violence, threat, intimidation, or coercion to cause a person to touch his or her own or another person's intimate body parts is also considered non-consensual sexual contact.
- **Non-consensual sexual intercourse** means any sexual penetration, however slight, with any body part or object by a man or woman that is without active affirmative consent and/or by force. Intercourse includes, but is not limited to, vaginal penetration, anal penetration, and oral sex (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
- **Sexual exploitation** means taking non-consensual sexual advantage of another person, and includes causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; prostituting another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or intimate body parts of another person; allowing third parties to observe the sexual acts of others

without the actors' active affirmative consent; engaging in voyeurism; and/or knowingly or recklessly exposing another person to significant risk of sexually transmitted infection.

- **Incapacitation** means the physical and/or mental inability to make informed, rational judgments about participating in sexual activity. Persons who are not merely under the influence of drugs or alcohol but incapacitated as a result of the consumption of alcohol or other drugs, persons who are unconscious, asleep, or otherwise physically helpless, and persons under the legal age of consent (16) can never give active affirmative consent. Persons who do not have the capacity to understand the act, its nature, and possible consequences of the act can never give affirmative consent.

APPENDIX IV: BULLYING

Bullying is considered repeated behaviours intended to hurt someone either physically or emotionally and is often aimed at certain groups, for example because of race, religion, gender, or sexual orientation.

It takes many forms and can include:

- physical assault
- teasing
- making threats
- name calling
- cyberbullying - bullying via mobile phone or online (for example email, social network, and instant messenger)

The University regards bullying as a violation of the rights of others and will treat incidents of bullying as harassment.

APPENDIX V: SANCTIONS TABLE

PEOPLE		
Disciplinary Offence	Examples of Unacceptable Behaviour	Examples Of Sanctions
Physical Misconduct	MAJOR Punching Kicking Slapping Pulling hair Biting	- Dismissal (7.2) - Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary Warning (7.4) - Compulsory developmental sanction (7.1) - Written Apology (7.6)
	SIGNIFICANT Pushing Shoving	- Disciplinary warning (7.4) - Developmental sanctions (7.1) - Fines 7.6 - Written apology (7.6)
Sexual misconduct	MAJOR Sexual intercourse or engaging in a sexual act without consent Attempting to engage in sexual intercourse without consent Sharing private sexual materials with another person without consent Kissing without consent Touching inappropriately through clothes without consent Inappropriately showing sexual organs to another person	- Dismissal (7.2) - Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Written apology (7.6)

	SIGNIFICANT Repeatedly following another person without good reasons Making unwanted remarks of a sexual nature	- Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Written apology (7.6)
--	---	--

Abusive behaviour	MAJOR Threats to another person Abusive comments relations to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability, or age	- Dismissal (7.2) - Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Written apology (7.6)
	SIGNIFICANT Acting in an intimidating and hostile manner Recording any Person without consent; transmitting, broadcasting or publishing the words or actions of any Person without consent, or in a way which may cause distress or harm	- Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Written apology (7.6)

PROPERTY		
Disciplinary Offence	Examples Of Unacceptable Behaviour	Examples Of Sanctions
Damage to property	MAJOR Causing major damage to university property or the property of students or employees of the University or to visitors to the University	- Dismissal (7.2) - Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Written apology (7.6) - Fines (7.5)
	SIGNIFICANT Causing significant or minor damage to University property or the property of students or employees of the University or visitors to the University	- Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Written apology (7.6) - Fines (7.5)
Unauthorised taking or use of property	MAJOR Misuse of university property (for example computers or lab equipment)	- Dismissal (7.2) - Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Written apology (7.6) - Fines (7.5)
	SIGNIFICANT Unauthorised entry onto or unauthorised use of University premises Taking property belonging to another without permission	- Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Written apology (7.6) - Fines (7.5)

Causing a health or safety concern	MAJOR Act or omission that did cause or could have caused serious harm on University premises or during University activities (e.g. disabling fire extinguishers or possessing /supplying controlled drugs	- Dismissal (7.2) - Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Fine (7.6)
	SIGNIFICANT Act or omission that did cause or could have caused a health and safety concern on University premises or during University activities (e.g. smoking violation)	- Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Fine (7.6)

UNIVERSITY		
Disciplinary Offence	Examples Of Unacceptable Behaviour	Examples Of Sanctions
Operational Obstruction	MAJOR Acts/Omissions/Statements intended to deceive the university Disruption to the activities of the university (including academic, administrative, sporting or social) on University premises or elsewhere Disruption of the functions, duties or activities of any student or employee of the university or any authorised visitor to the University	- Dismissal (7.2) - Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Fine (7.6)
	SIGNIFICANT Improper interference with the activities of the University (including academic, administrative, sporting or social) on University premises or elsewhere Improper interference with the duties or activities of any student or employee of the university or any authorised visitor to the University	- Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Fine (7.6)

Reputational damage	MAJOR Behaviour which has caused serious damage or could have caused serious damage to the reputation of the university	- Dismissal (7.2) - Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1) - Fine (7.6)
	SIGNIFICANT Behaviour which has damaged or could have damaged the reputation of the University	- Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1)
	The recording, copying, transmission or broadcasting of any University activity, without consent.	- Suspension (7.3) - Restrictions/Conditions/ Probation (7.4) - Disciplinary warning (7.4) - Compulsory developmental sanction (7.1)