# Code of Student Conduct Guidance

## Purpose of Guidance
From 1 January 2014 the University’s Code of Student Conduct replaced the General Statement and Code of Student Discipline. The Code of Student Conduct is available online: http://www.ed.ac.uk/academic-services/staff/discipline/code-discipline. This Code of Student Conduct Guidance provides information to staff involved in handling student misconduct cases. The information in the guidance is not mandatory but is intended to support staff and provide consistency of treatment for student misconduct cases.

## Scope: Guidance is not Mandatory
The Code of Student Conduct applies to all students of the University. It outlines specific responsibilities and actions for staff who investigate alleged offences and who apply disciplinary penalties. The Senatus Academicus (Senate) has responsibility for the Code of Student Conduct, which is governed by University Court resolution.

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## Document control

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**Approving authority**: Academic Services

**Consultation undertaken**: Widespread consultation with the Discipline Committee, Authorised Officers, Standing Commission on Student Discipline, CSPC, EUSA, the University lawyers and those responsible for related procedures. Two senior judges commented as “critical friends”. Benchmarking against other institutions. The University acknowledges, in particular, the relevant policies on student conduct and discipline of the Universities of Aberdeen, Glasgow and Sheffield.

**Section responsible for guidance maintenance & review**: Academic Services

**Related policies, procedures, guidelines & regulations**
- Code of Student Conduct: [www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline](http://www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline)
- Academic misconduct: [www.ed.ac.uk/schools-departments/academic-services/staff/discipline/academic-misconduct](http://www.ed.ac.uk/schools-departments/academic-services/staff/discipline/academic-misconduct)
- Complaint Handling: [www.ed.ac.uk/university-secretary-group/complaint-handling-procedure](http://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure)

**UK Quality Code**: n/a

**Guidance superseded by this guidance**: The version of 20.4.16 updates the version of 30.9.15 and includes changes to take into account the removal of the Codes of Practice on the Abuse of Alcohol/Drugs by Students with effect from 1.8.16.

**Alternative format**: If you require this document in an alternative format please email Academic.Services@ed.ac.uk or telephone 0131 650 2138.

**Keywords**: student conduct, student discipline, discipline officers, conduct investigators, discipline committee, student misconduct, academic misconduct, discipline penalties, support for study
What is in the Code of Student Conduct guidance?

1. The guidance sets out the principles that the University has for its student conduct processes and explains what is in the Code of Student Conduct. Sections cover examples of misconduct; what to do to report student misconduct allegations; the various roles involved; immediate suspension; how to handle student misconduct cases; the penalties available; what the standard of proof means; how the Code relates to the law; appeals and independent review. The Guidance also looks at how the Code of Student Conduct relates to other processes.

Principles

2. The Code of Student Conduct uses the following principles.
   - Our process must be fair, proportionate, transparent, accessible, consistent, timely, confidential and enable enhancement.
   - All members of the University community need to be able to live and work in an environment of mutual trust and confidence, to permit freedom of thought and expression within a framework of respect for the rights of others.
   - The University expects all students to conduct themselves appropriately, including in their dealings with other students, staff and external organisations, and to comply with University policies, and regulations.
   - The University recognises that it can be difficult and stressful for students and staff to be involved in disciplinary procedures. The University provides guidance and support on the process.

3. The University views the Code of Student Conduct as a part of a welfare approach: misconduct may be the first indicator of underlying problems. The University's Support for Study Policy came into effect on 1 August 2015. This further explains the University’s supportive approach. The Code of Student Conduct cross refers to the Support for Study Policy.
4. The University recognises that some students’ behaviour may be affected by some health conditions, be they mental, physical or emotional, or by disabilities. 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. We need to maintain standards and provide a safe environment for all. Where health conditions or disabilities may be a contributing factor, reports or evidence of these will be taken into account. Where student conduct is found to be unacceptable as a result of a health condition or disability, the University will endeavour to offer appropriate support to assist the student but may take action under the Code of Student Conduct (paragraph 7 of the Code of Student Conduct). Support and guidance available to staff and students are detailed in the Mental Health Code of Practice, in Helping Distressed Students: A guide for University staff and in the Support for Study Policy. www.ed.ac.uk/schools-departments/student-disability-service/staff/supporting-students/mental-health/code-of-practice
www.ed.ac.uk/schools-departments/student-disability-service/staff/supporting-students/help-distressed-students

Explaining the Code of Student Conduct

5. The Code of Student Conduct is online: www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline. Its main features are outlined below. Paragraph references in 5a-5p below are to the paragraphs in the Code of Student Conduct.

   a. The Code focuses on good conduct and expectations of student behaviour, as well as what students can expect from the University (paragraphs 4 to 6). This sets student conduct in a positive context. The Code is part of our welfare approach: misconduct may be the first indicator of underlying problems and intervention can provide students with an opportunity for reflection, learning and development.

   b. The misconduct offences (paragraph 12) align with sector practice. It is made explicit that the University can take action for offences which occur online and in social media. The offences take account of protected characteristics under equalities legislation (in 12.7). Offences of misconduct in research (12.10) and statutory obligation breaches (12.13) are included. A cross reference to fitness to practice policies is included in the paragraph 13.

   c. Misconduct and the Law (paragraphs 14 to 20) clarifies how our regulations relate to the law, especially criminal law. The University has the discretion to take action when appropriate. See the section below for advice. All decisions are made on a case-by-case basis, informed by the guidance.

   d. The roles for staff involved in alleged misconduct cases have been clarified, with Conduct Investigators, Student Discipline Officers, the Student Discipline Committee and its Secretary, and the Appeal Committee (paragraphs 21 to 27) roles clarified. We now separate the investigation and discipline roles. Significant judgements, for example on immediate suspension, are not made by a single individual.

   e. The Code makes clear that we can share information about student conduct cases with those involved in the case, including other staff, students and witnesses, where
this is necessary for the fair and appropriate handling of the case (paragraph 28). In doing so, staff need to be sensitive about what information is shared and to be mindful of data protection and relevant aspects of confidentiality. Advice can be sought from the Records Management Section and from the Secretary of the Student Discipline Committee, to ensure consistency of practice. It should also be made clear to witnesses that information may be shared as part of enabling a transparent and fair process. Checklists and standard letters are provided by Academic Services as guidance and, where relevant, they provide standard text for consistency. www.ed.ac.uk/schools-departments/records-management-section

f. It is possible to resolve some conduct cases with early resolution or local intervention (paragraphs 29 and 32). Examples could include a member of Information Services staff intervening to encourage a student to stop disruptive behaviour in a library or computing lab, or a member of Security Services explaining to students that their behaviour in chalking slogans on University property is inappropriate.

g. Staff report allegations of student misconduct via their Head of School or Head of Service. Students and members of the public report allegations using the Complaint Handling Procedure (paragraphs 30 to 31).

h. Who is appointed as Conduct Investigator to investigate conduct cases is explained in paragraph 33.

i. The University has the right to immediately suspend students in urgent and necessary situations (paragraphs 34 to 38). Immediate suspension is discretionary and requires careful consideration. It is not a penalty but is used to protect the student, other students, staff and members of the public. The University reviews suspension decisions periodically to ensure that the suspension is still needed.

j. The Code follows through the process of investigating and handling an allegation (paragraphs 39 to 78), including interviewing and reporting on the case. The Code makes clear that the University may not draw any adverse inference from a student’s failure to appear for interviews or meetings. This is based on advice from the Director of Legal Services.

k. The Code expects Conduct Investigators to produce reports which are appropriate to the nature or gravity of the case (paragraph 44). So, for example, in a routine case where a student has been smoking in an Accommodation Services room, there could be a standard letter or report which just outlines relevant facts (date, location, student details). For a more complex case, the Conduct Investigator’s report will set out the evidence and their reasons for reaching a particular decision and will express their opinion, based on the facts and giving due weight to the credibility of witnesses. On occasion, where there are conflicting accounts or there is a lack of evidence, it may not be possible to establish on the balance of probabilities that misconduct has taken place. The report should articulate this.

l. The penalties available to Student Discipline Officers and the Student Discipline Committee, including suspension of privileges or complete suspension, are in paragraphs 51 and 71. Paragraph 72 explains what happens when students need to meet specific conditions before a suspension is lifted, including where they may need
to provide medical evidence, for example confirming that they are fit to return to study. Paragraph 78 outlines what is done if a penalty is deferred.

m. The standard of proof is the civil standard, i.e. the balance of probabilities (paragraphs 79-80). This aligns with practice in other Universities.

n. The appeals process (paragraphs 81 to 85) aligns with those in other student appeal processes.

o. Reporting and recording is mentioned (paragraphs 86 to 87).

p. A section on Independent review takes account of the Scottish Ombudsman’s responsibility for investigating student appeals and complaints (paragraph 88).

Examples of misconduct

6. The Code of Student Conduct provides a non-exhaustive list of categories of student misconduct (paragraph 12). This guidance outlines examples of misconduct and the category under which they are investigated. Again, the list of examples below is not exhaustive. Depending on the nature of the alleged misconduct, cases may be investigated under one or more categories.

7. The University may choose to investigate and take action on misconduct offences whether they take place on University, EUSA or EUSU premises or elsewhere. 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. It is worth emphasising that cases are investigated on a case by case basis. For example, two students may, under 12.1, both fail to follow advice that is issued, but the impact of doing this is different in each case so that one may be investigated under the conduct process and the other not. Cases with welfare aspects would usually initially be handled under the Support for Study policy as a more appropriate route.

Categories and examples

12.1 Disrupting, or interfering with any academic, administrative, sporting, social or other University activities;
Examples: misbehaving at a lecture or other learning environment, in a student service (such as Careers Service), a sports fixture, a student society, etc.; disrupting an examination; not following advice or guidance provided to deal with issues, so that there are repeated, multiple incidents which have a negative impact on other students and on members of staff doing their job [this could be dealt with under 12.2, it depends on the specifics of the case]

12.2 Obstructing, or interfering with, the functions, duties or activities of any Person;
Examples: refusing to answer a request or comply with the instructions of University servitors or security staff; repeatedly giving unwanted personal information (which could include threats of self-harm) to a member of staff when asked to stop; submitting excessive number of emails to the point where this becomes vexatious
12.3 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;

Examples: swearing at or hitting another person; posting threatening or offensive remarks on social media or the web (whether directed at another individual or more generally); harassing or displaying inappropriate behaviour, such as sending of excessive numbers of emails, or using offensive language in communications; sexual assault.

12.4 Conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study or activity;

Examples: preventing someone from undertaking lines of research; holding meetings which promote views that deny freedom of thought or expression

12.5 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;

Examples: falsifying references, medical or other special circumstances documentation; interfering with election or appointment processes; presentation of false data to external parties (where the fraud and falsification of documents relates to research then 12.10 may also be relevant)

12.6 Behaving in a way likely to cause injury to any Person or to impair safety;

Examples: Inappropriately discharging a fire extinguisher; tampering with smoke detectors; wedging open fire doors; producing or supplying illegal drugs on University premises or to other members of the University community; smoking in prohibited areas; failing to evacuate building during alarms. Accommodation policies are relevant: [www.accom.ed.ac.uk/current-students/university-policies-and-guidelines/code-of-student-conduct-accommodation-services-procedures-(students)/](http://www.accom.ed.ac.uk/current-students/university-policies-and-guidelines/code-of-student-conduct-accommodation-services-procedures-(students)/)

12.7 Harassing, 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;

Examples: denying membership to student societies; expressing discriminatory views

12.8 Failing to comply with any University rule, regulation or policy;

Examples: smoking on University premises.

12.9 Assessment offences, including making use of unfair means in any University assessment or assisting a student to make use of such unfair means;

Examples: plagiarism: [www.ed.ac.uk/schools-departments/academic-services/staff/discipline/plagiarism](http://www.ed.ac.uk/schools-departments/academic-services/staff/discipline/plagiarism); taking prohibited material into assessments; writing an essay for another student; breaking the Exam Hall regulations: [www.ed.ac.uk/schools-departments/registry/exams/regulations/overview](http://www.ed.ac.uk/schools-departments/registry/exams/regulations/overview)

Note: academic misconduct cases are dealt with by the School or College Academic Misconduct Officer using the academic misconduct procedures [www.ed.ac.uk/schools-departments/academic-services/staff/discipline/academic-misconduct](http://www.ed.ac.uk/schools-departments/academic-services/staff/discipline/academic-misconduct)
12.10 Misconduct in research;  
Examples: falsifying research data; lying about results; omitting results (see also 12.5 above)

12.11 Damaging, defacing, stealing or misappropriating University property or the property of any Person, whether deliberately or recklessly;  
Examples: stealing library books; drawing graffiti on University premises; hacking into University webpages; destroying the work of another student; breaching the Library regulations: www.ed.ac.uk/schools-departments/information-services/about/policies-and-regulations/library-regulations

12.12 Misusing or making unauthorised use of University premises or items of property, including IT facilities or safety equipment;  
Examples: misusing fire safety equipment; using IT facilities to access inappropriate websites; using University facilities to create and post offensive webpages. The University’s computing regulations are also relevant: www.ed.ac.uk/schools-departments/information-services/about/policies-and-regulations/computing-regulations

12.13 Deliberately doing, or failing to do, anything which thereby causes the University to be in breach of a statutory obligation;  
Examples: falsifying personal information; not disclosing information which is relevant for statutory purposes, such as Disclosure Scotland: www.disclosurescotland.co.uk/; purchasing, selling, using or keeping illegal drugs on University premises.  
[It is an offence under the Misuse of Drugs Act 1971 for a person knowingly to allow drugs to be used, kept or supplied on his/her premises. It is also illegal under the Act to ignore such occurrences. In addition to its own aims, therefore, the University is committed by law to forbid the possession, use or supply of drugs on its premises and it has a duty to act if it finds out that such abuse has been or is taking place. A student suspected of drug abuse may be liable for disciplinary action under both the criminal law and the University’s Code of Student Conduct. The University reserves the right to report abuse of drugs to the police.]

12.14 Behaving in a way which brings the University into disrepute (without prejudice to the right to fair and justified comment and criticism);  
Examples: posting inappropriate comments on social media and linking them to the University

12.15 Making false, frivolous, malicious or vexatious complaints;  
Examples: making repeated and vexatious complaints; knowingly making claims without foundation; lying about events or people

12.16 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;  
Examples: not providing this information to security staff, library staff or servitors; failing to produce student identification, etc.

12.17 Failing to comply with a previously-imposed penalty under this Code;  
Examples: not paying fines; refusing to write a letter of apology

12.18 Any misconduct prior to a student’s enrolment at the University of Edinburgh, 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. Examples: lying on application forms; failing to declare relevant information, such as on convictions. The University’s Degree Regulations, Fitness to practice regulations, Student Disclosure Assessment and Admissions policies are also relevant: www.drps.ed.ac.uk/

Reporting allegations of student misconduct

8. **For members of staff**: If you have witnessed or heard about what appears to be misconduct by a student or students, you need to report the allegations to your Head of School or the Head of the relevant Service.

9. **For Heads of School or Service**: If a potential case is brought to your attention then you need to report the allegations to a relevant Conduct Investigator and ask them to investigate the case. A list of Conduct Investigators is maintained by Academic Services: www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline

10. **For Heads of School or Service**: If the case relates to academic misconduct, e.g. plagiarism, then it is investigated using the academic misconduct procedures and should be referred to the relevant School Academic Misconduct Officer. www.ed.ac.uk/schools-departments/academic-services/staff/discipline/academic-misconduct

11. **For students or members of the public**: If they wish to make a complaint about the conduct of a student they need to use the Complaint Handling Procedure: www.ed.ac.uk/university-secretary-group/complaint-handling-procedure

   If the complaint raises student misconduct issues then these will be taken forward by the University through the Code of Student Conduct. Staff with responsibility for the complaint and discipline procedures (the University Investigations Manager and Academic Services, respectively) provide advice on which of the procedures should apply to relevant elements of the case and will liaise on how the case should be investigated and handled. They refer the case on for appropriate investigation and action.

Roles: who does what?

12. Different staff and committees are involved at different stages of the process.

   a. **Conduct Investigators**. Allegations of student misconduct are investigated by Conduct Investigators. Conduct Investigators explore the allegation and decide if the student has committed a misconduct offence. They do not discipline the student. There is a checklist for Conduct Investigators which takes them through the steps in the process. www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/Checklist-ConductInvestigator.pdf

   b. **Student Discipline Officers**. University disciplinary action can be taken by Student Discipline Officers. They receive cases from Conduct Investigators to decide whether to take action and what discipline penalty to apply. They do not re-investigate the misconduct. There is a checklist for Student Discipline Officers which takes them through the steps in the process.
c. **Student Discipline Committee.** University disciplinary action can be taken by the Student Discipline Committee, which consists of at least six members of staff of the University and at least six matriculated students of the University. At least four of the staff members must be academics. The quorum for meetings is outlined in the Code. Before a case can go to the Student Discipline Committee, this referral must be agreed by the Secretary of the Committee. The Student Discipline Committee receives cases from Conduct Investigators and Student Discipline Officers to decide whether to take action and what discipline penalty to apply. The Committee does not re-investigate the misconduct. Academic Services provides advice and support to the Student Discipline Committee on a case-by-case basis. [www.ed.ac.uk/schools-departments/academic-services/staff/discipline/discipline-committee](http://www.ed.ac.uk/schools-departments/academic-services/staff/discipline/discipline-committee)

d. **Secretary of the Discipline Committee.** The lead Secretary of the Discipline Committee, in Academic Services, has responsibility for the student disciplinary process and supports the Student Discipline Committee. The Secretary of the Student Discipline Committee maintains lists of Conduct Investigators, Student Discipline Officers and members of the Student Discipline Committee. [www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline](http://www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline)

e. **University Student Appeal Committee.** The University Student Appeal Committee deals with student appeals against a decision of a Student Discipline Officer or the Student Discipline Committee.

13. EUSA’s Advice Place provides advice and support for students. Staff are encouraged to refer students to the Advice Place at any stage of the process so they can draw on their expertise. [www.eusa.ed.ac.uk/adviceplace/](http://www.eusa.ed.ac.uk/adviceplace/)

**Who gets appointed?**

14. Conduct Investigators are appointed by their respective College or Support Group. Academic Services check the list each summer to ensure it is up-to-date. There needs to be a range of CIs and sufficient numbers in order to handle the cases in the College and Support Groups. There are no limits on their numbers. If a case goes to the Student Discipline Committee then it is presented by the relevant Conduct Investigator, who needs to be prepared for this aspect of the role.

15. Student Discipline Officers are specified in the Code, and include members of the senior management of the Colleges and Support Groups, or their nominees, as appointed by the Curriculum and Student Progression Committee. The lead Secretary of the SDC seeks annual CSPC approval of the SDO list and requests additional approval during the year if this is needed. There are no limits on SDO numbers.

16. The Student Discipline Committee members are appointed annually by CSPC. The University aims to maintain a pool of approximately 12 staff members and 12 student members, to ensure that there are sufficient people to provide the required six members for individual hearings and to gain expertise on the student conduct process.
Immediate suspension

17. One decision which may need to be made even before the case is investigated is whether the student needs to be suspended from the University.

18. Suspension before an investigation or a hearing is not used as a penalty. The power to suspend is to protect the members of the University community or a particular member or members, or members of the general public. Suspension is used only where it is urgent and necessary to take such action.

19. The steps to take to immediately suspend a student under the Code of Student Conduct are outlined in paragraphs 34-38 of the Code and a checklist is available. The suspension can apply to students who pose a threat of, or have caused, serious disruption to others in the University. [www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/Checklist-ImmediateSuspension.pdf](http://www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/Checklist-ImmediateSuspension.pdf)

20. The suspension decision can be made at any stage of the University's student disciplinary process. This suspension may be a total or a selective restriction on attending the University or accessing its facilities or participating in University activities. It may also include a requirement that the student should have no contact with named individuals.

21. The student has the right to make representations. Any decision to immediately suspend a student is subject to review, when the student is entitled to submit written representations.

How to handle student misconduct cases

22. Remember there is always scope for handling simple behavioural issues at local level, without the need for a formal response (see also 5f). For example, a warden could remind students of the need for consideration for neighbours; or a taught student’s Personal Tutor could have a meeting with the student: to explain what behaviour is expected of students and to check whether there are any underlying welfare issues. However offences which warrant further investigation and the imposition of penalties, need to be handled using the Code of Student Conduct. Generally our approach needs to be proportionate to the complexity and severity of the conduct. Checklists are provided for Conduct Investigators and Student Discipline Officers on how to handle alleged student misconduct cases. Academic Services provides advice and support to the Student Discipline Committee on a case-by-case basis. A flowchart of the process and templates are available. Additional advice is available from the Secretary of the Discipline Committee, in Academic Services. [www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline](http://www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline)

23. All staff involved in investigating or disciplining students need to be familiar with the Code of Student Conduct. The University aims to act promptly to investigate cases but staff are encouraged to take the time to reflect before action: to stop and think through implications, for example:

   a. What is the alleged misconduct offence?
   b. What evidence is available? What more is needed?
   c. What issues need exploring?
   d. Is more advice needed?
These questions are considered in the training offered to Conduct Investigators. Conduct network meetings also offer opportunities to share experiences.

24. Throughout the process, students are encouraged to contact the Advice Place for independent support and advice. Students have the right to be accompanied and/or represented at the interview by a member of the University community, including a member of EUSA. There is no provision for legal representation as the student conduct investigation is not a legal process. [www.eusa.ed.ac.uk/adviceplace/](http://www.eusa.ed.ac.uk/adviceplace/)

**Penalties**

25. The penalties available to Student Discipline Officers and the Student Discipline Committee are set out in the Code of Student Conduct (paragraphs 51 and 71). Information on penalties is available from the Secretary of the Student Discipline Committee. This is shared with Student Discipline Officers and the Student Discipline Committee to ensure consistency, where appropriate, although each case is considered on its own factors and an individual student's disciplinary record.

26. It may be that some penalties are more appropriate for some offences than others, for example, an academic offence might result in an academic penalty. One penalty requires the student to write an apology. The SDO/SDC needs to think about whether this is appropriate: some students offer to write this independently and are very apologetic about their actions. This may mean more to the recipient and be more genuine than an apology that is issued grudgingly.

27. In addition to the student conduct penalties, other action may also be taken in accordance with other procedures. For example, Accommodation Services may terminate the occupancy of a room by any resident on giving a month's notice in writing. In the case of gross misconduct or misdemeanour the termination of occupancy may be ordered within 24 hours. In exercising such powers Accommodation Services follows its written procedure setting out the specific disciplinary steps leading to termination of occupancy.

28. Details of any discipline penalty which is imposed are held on the relevant student's record.

**Deferred penalties**

29. Suspended penalties are now called “deferred penalties” in the Code to avoid possible confusion with suspensions. The Student Discipline Committee may impose a deferred penalty (paragraph 78). The Code outlines what happens in such a case, and what needs to be done if the penalty needs to be put into effect. If a student's conduct is called into question whilst the student is in the deferred penalty period then matters are reported direct to the Student Discipline Committee: there is no need to run a further investigation as the Student Discipline Committee itself decides whether the further misconduct has taken place. The student receives a statement that his or her conduct is being reported and is given the opportunity to comment in writing. The statement to the student may come from a Conduct Investigator, Student Discipline Officer or the Secretary of the Discipline Committee.

**Standard of proof**

30. The standard of proof the University uses is the civil standard, i.e. the balance of probabilities (paragraphs 79-80). This aligns with practice in other Universities. The
University takes notice of the nature of the allegation in deciding whether, on balance of probabilities, it is likely to have occurred.

**Student conduct and the law**

31. The Code of Student Conduct gives the University the discretion to take action when appropriate. This is regardless of whether the student might be involved in any external legal action, including criminal law investigations.

32. 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. 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.

33. The University has the discretion to suspend any internal investigation or disciplinary action on an 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 University Secretary or a Deputy Secretary or their nominee taking action with a designated Vice-Principal. The Secretary of the Student Discipline Committee is informed. The student is sent written confirmation of the decision whether or not to suspend the conduct investigation and/or discipline process. If the process is suspended, the student is subsequently written to when the University decides to re-start the process.

34. As a general guide, the more serious the alleged criminal offence, the less inclined the University is to take forward internal disciplinary processes whilst the criminal proceedings are pending. For example, in cases of murder, we are unlikely to follow our processes whilst such charges are pending. On the other hand minor breaches of the peace such as drink related disorder etc. present less of an issue and we may choose to take action. All decisions will be made on a case-by-case basis.

35. Where a student is convicted of or cautioned or warned for an offence, this may be relied upon as evidence in any University proceedings, e.g. the Conduct Investigation, provided that the circumstances leading to that conviction are directly relevant to those proceedings.

36. Any sentence or order pronounced by a court may be taken into account in the imposition of any disciplinary penalty by the Student Discipline Officer or Student Discipline Committee.

**Appeals**

[www.ed.ac.uk/schools-departments/academic-services/staff/appeals/overview](http://www.ed.ac.uk/schools-departments/academic-services/staff/appeals/overview)

37. Students have the right of appeal against the decision of the Student Discipline Officer or the Student Discipline Committee. Details about conduct appeals are provided in paragraphs 81 to 85 of the Code of Student Conduct. The appeal is handled under the University’s appeal procedures. Any penalties imposed by the Student Discipline Officer or Student Discipline Committee remain in force until the outcome of the appeal and any review of the decision.
Independent review

38. Once an appeal has been completed, the student is entitled to ask the Scottish Public Services Ombudsman (SPSO) to look at their appeal. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the appeal process. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has handled the appeal. Information on how to complain to the SPSO will be provided to the student on completion of the appeal – standard text is made available by Academic Services. Full information on the SPSO and on how it handles complaints can be found at the SPSO website: Scottish Public Services Ombudsman.

How the Code of Student Conduct relates to other processes

39. Sometimes cases of student conduct will give rise to the need to consider matters under other University processes, for example Fitness to Practice or Support for Study. Occasionally a student conduct case will come to light during the investigation under another University process, such as complaint handling, or staff disciplinary investigations. In such cases the administrators with responsibility for the processes will liaise and agree a way forward that is consistent with the respective processes. The number of investigations that are carried out will be kept to the minimum that is consistent with fairness. There is scope to use reports from other processes; however, there may be a need for additional investigation in order to focus on issues from a student conduct perspective. The conduct investigation does not need to wait for the completion of other processes before taking place.

40. It is possible for an individual to be both a Conduct Investigator and Complaint Investigator under the Complaint Handling Procedure, or combine a disciplinary role with a School or College Academic Misconduct Officer role.

41. Cases of academic misconduct may sometimes initially be referred as a student conduct case. Academic misconduct cases, such as plagiarism, taking prohibited material into assessments or writing an essay for another student, are investigated and dealt with using the academic misconduct procedures and should be referred to the relevant School Academic Misconduct Officer. Academic misconduct cases are included in the annual analysis and reporting on student conduct. www.ed.ac.uk/schools-departments/academic-services/staff/discipline/academic-misconduct

Sources of advice

42. Advice on the student conduct process is available from Academic Services and the Secretary of the Student Discipline Committee. In addition to this guidance, a flowchart of the process, checklists for Conduct Investigators and Student Discipline Officers, templates for some standard communications and other briefing is available from Academic Services.

43. It is important to share experience and get consistency across the University’s devolved structure. Annual reports on student misconduct cases, prepared by the Secretary of the Student Discipline Committee, are used to improve guidance material and support briefings.

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