**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: [www.ed.ac.uk/academic-services/staff/discipline/code-discipline](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.

**Contact Officer**

Ailsa Taylor
Academic Policy Officer
ailsa.taylor@ed.ac.uk

**Document control**

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Code of Student Conduct Guidance

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A. Introduction

1. This Code of Student Conduct guidance is intended for members of staff pursuing conduct cases and assisting with conduct processes such as Conduct Investigators, Student Discipline Officers, members of the Student Discipline Committee, Heads of School, and other administrators, for example note-takers. The information contained within is guidance and not mandatory.

2. The University receives a range of allegations relating to student conduct; most relate to minor offences (e.g. smoking in University residences, misuse of fire extinguishers), but a small number are more complex. All cases must be handled in line with the Code of Student Conduct, but some of the specific points covered in this guidance are more relevant to the handling of more serious and complex cases.

How reports of misconduct are handled

3. A flowchart is available, which takes you through the process of how reports of student misconduct are handled: www.docs.sasq.ed.ac.uk/AcademicServices/Discipline/StudentConductFlowchart.pdf

4. Students can be referred under the Code of Student Conduct directly by a Head of School/Support Service/Support Group (or respective nominee), or via a number of other procedures including the Complaint Handling Procedure, Support for Study, or through Academic Misconduct Investigation Procedures.

5. A student or member of the public who wishes to make a complaint about the conduct of a student must 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 either through frontline resolution, where appropriate, or under the Code of Student Conduct.

6. Staff may report allegations of student misconduct to their Head of School/Support Service/Support Group (or respective nominee), who will firstly consider whether frontline resolution is a possibility. Staff who receive reports alleging misconduct may exercise their discretion on whether to resolve matters locally, for example intervening to stop poor behaviour in University buildings. Academic Services can provide advice regarding whether frontline resolution may be appropriate, where this is required.

7. If local frontline resolution is not possible, the Head of School/Support Group should report the allegations either to the College that “owns” the accused student, or to Academic Services, and they will take steps to ensure the allocation of a Conduct Investigator to the case. Colleges have named contacts who co-ordinate the appointment of Conduct Investigators to a case. For allegations relating to behaviour in University student accommodation or in relation to the University’s library and IT facilities, allegations should be reported to the Head of Information Services Group.

8. Prior to appointing a Conduct Investigator, the College or support group should consider whether the case should be referred under Support for Study, as opposed to the Code of Student Conduct. The Support for Study policy offers a supportive alternative to disciplinary action when a student’s behaviour may be affected by ill health or disability. www.ed.ac.uk/files/atoms/files//supportforstudypolicy.pdf
9. If staff involved in a case have think there may be grounds for immediate suspension of the student (for example if they have concerns that the accused student(s) may pose a risk to members of the University community, or members of the general public), staff should contact Academic Services for advice. Further information about immediate suspension is contained in sections 34-38 of the Code. The University Secretary or Deputy Secretary or their nominee, taking action with a designated Vice-Principal, are the only staff empowered to take a decision to impose a suspension (partial or full) on a student. The power to suspend is not used as a penalty, and will be used only when it is urgent and necessary to take such action.

10. There may be instances where an alleged act of misconduct could also constitute a criminal offence. Guidance has been released for Higher Education institutions by Pinsent Masons LLP, with assistance from members of a Universities UK Steering Group. This guidance ‘How to Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence’ was published in October 2016. It recommends that in such cases, the criminal process must take priority. Consequently, if the matter is being dealt with under the criminal process, then save for taking any precautionary action (for example suspension), the University will not normally proceed with an internal disciplinary process until the criminal process is at an end. www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/guidance-for-higher-education-institutions.pdf

Appointment of Conduct Investigators, Student Discipline Officers and members of the Student Discipline Committee

11. The Senatus Curriculum and Student Progression Committee (CSPC) has responsibility for maintaining current lists of Conduct Investigators, Student Discipline Officers and Student Discipline Committee members. Academic Services maintain these membership lists on behalf of CSPC and they are available on the University website.

12. Conduct Investigators are appointed by the Colleges frequently throughout the academic year; their appointment does not require formal approval.

List of Conduct Investigators
www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/ConductInvestigators.pdf

13. Nominations for new Student Discipline Officers and members of the Student Discipline Committee are sent to CSPC for formal approval as required. This usually happens on an annual basis at the start of the academic year. However, the Convener of CSPC can approve nominations between meetings on behalf of the Committee if required, by Convener’s Action.

List of Student Discipline Officers
www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/StudentDisciplineOfficers.pdf

Student Discipline Committee
www.ed.ac.uk/academic-services/staff/discipline/discipline-committee
B. Initial considerations

Support for students

14. Involvement in student conduct cases can have a significant impact upon the wellbeing of students, including those accused of misconduct, complainants, or witnesses. Conduct Investigators should approach their investigation supportively, but are not expected to act as a primary source of support to students. Where a case is, or appears likely to affect the wellbeing of students involved, staff handling the case should direct students to sources of support including the Advice Place, Student Support Teams in Schools, and the Counselling Service.

Equality issues

15. Some cases may involve students (or members of staff) who have protected characteristics which may have a bearing on the allegations under investigation, or may impact upon their experience of the conduct investigation process. Staff handling misconduct cases should consider whether this applies to cases they are dealing with. Academic Services can provide advice on this issue, including seeking expert advice where this is necessary.

Expert/legal/media advice

16. Conduct Investigators are laypeople, and are not expected to be expert in the issues presented by the case they are investigating. Initial consideration of a case may indicate that expert or legal advice on a particular aspect of the case may be needed to support the Investigator in reaching a finding. For cases that appear likely to be complex and challenging to investigate, involve serious allegations, require expert advice (e.g. legal advice), are likely to raise significant student support issues either for the accused student or for others involved in the case, or if it appears likely that there will be media / social media interest in the case, advice should be sought from Academic Services. Academic Services can provide support on this at any point in an investigation. (See also section G.)

C. Information for Conduct Investigators

17. The Conduct Investigator receives a report of alleged misconduct and their role is to investigate the case to establish whether, on the balance of probabilities, a breach of the Code of Student Conduct is found to have taken place.

18. The Conduct Investigator will take reasonable efforts to gather evidence during their investigation. The Conduct Investigator’s role is to explore the available evidence and present findings based on this evidence, rather than opinions. A University internal conduct investigation is not a criminal process, and the University does not have search and detention powers that the police have, or the power to compel witnesses to give evidence, or to gather forensic evidence.

19. The Conduct Investigator needs to ensure that they are open-minded and avoid predetermination in their investigation.

20. Conduct Investigators must be independent. Bias (actual and perceived) and conflicts of interest are to be avoided. If a conflict arises, the Conduct Investigator should seek advice from Academic Services regarding whether to step aside.
Procedures

21. The Conduct Investigator will follow sections 39 to 44 of the Code of Student Conduct in pursuing their investigation:
www.ed.ac.uk/academic-services/staff/discipline/code-discipline

Writing to students – optional template letters

22. Optional template letters for use by Conduct Investigators are available at
www.ed.ac.uk/academic-services/staff/discipline/code-discipline
This includes an ‘invitation to investigate’ letter and a ‘conduct investigation outcome’ letter. These are available as Word documents and can be modified by the Conduct Investigator to suit the situation.

Record keeping and note-taking

23. Conduct Investigators will need to keep a record of all correspondence in relation to the case. Conduct Investigators should ensure that they retain all email correspondence and any other documentation received in relation to the case. It is good practice to set up an individual conduct folder for each separate case and to file all incoming and sent mails about the case in the same folder, and it may also be helpful to keep a communication log. Files (hard copy and electronic copy documents) will need to be retained in appropriately secure locations so that they cannot be accessed by students or by staff who do not have a legitimate reason to access it. Documentation will need to be retained in case of a future appeal of any decision of a Student Discipline Officer or Student Discipline Committee. Information will need to be kept in accordance with the relevant retention schedule. In Colleges, the expectation is that Conduct Investigators will send all relevant documentation to the College Office, alongside their report, and it will be kept in the College Office as the “golden copy”. Further advice on retaining documentation can be obtained from Records Management if required.

24. Conduct Investigators may wish to arrange for someone to accompany them to take minutes/notes in interviews; this is essential in serious or complex cases. In the absence of a note-taker, it can be difficult to take notes and manage an interview at the same time. It can also be useful to have someone else present to witness the discussion, in case there are any queries at a later stage about how the interview was conducted. Separate notes should be taken for each interview, even if they relate to the same allegation(s); this is to ensure that data protection requirements can be met, for example by not sending meeting notes to witnesses who were not present at a particular interview.

25. When writing up notes from the meeting, make sure that they are factual and objective. They should be a record of what was discussed – even if this includes information that you think could harm a person’s defence.

26. It is good practice to send draft notes to individual students who have been interviewed offering them the opportunity to comment on items of fact. In some cases, students may respond with factual amendments that you do not agree with. If you do not agree with the amendments requested, you can append the student’s comments to the final version and let the student know that you are doing so.

27. See paragraphs 45-49 for guidance on writing the report.
Contacting the accused student(s)

28. The Conduct Investigator will initially contact the accused student(s) to inform them that they are conducting an investigation into allegations against them. The level of detail regarding the allegations which is provided to the accused student(s) will depend on what the witnesses/complainant agree to share, and what level of information is required in order to explain the nature of the allegations to the accused student. It may be necessary to provide limited detail regarding the allegations initially, until the scope of the investigation becomes clearer.

Interviewing witnesses and assessing evidence

29. The primary form of evidence available to the Conduct Investigator will usually be testimony from witnesses, who will often be other students or members of University staff.

30. Some witnesses may prefer to provide you with a written statement rather than attending an interview in person; this is acceptable under the Code. People may also provide written evidence to the Conduct Investigator in addition to attending an interview, if they wish.

31. Witnesses are not always those who have actually witnessed the incident(s) in question, but are often colleagues or students who have also been affected or have direct knowledge of the situation through other means. Conduct Investigators will need to interview (or otherwise seek evidence from) as many people as they feel necessary in order to help them to develop a comprehensive understanding of the case.

32. Complainants or witnesses may suggest that the Conduct Investigator approach other witnesses for evidence. The Conduct Investigator should clarify what evidence those named as potential witnesses may be able to provide, before determining whether to contact them. In serious cases in particular, contacting witnesses is likely to involve sharing sensitive personal information about other students (e.g. the accused student); such action should only be taken where there is a good reason for doing so. Academic Services can provide advice regarding this issue.

33. The order in which any interviews take place is a decision for the Conduct Investigator. Depending on the complexity of the case, the Conduct Investigator may wish to interview some witnesses before interviewing the accused student. It may not always be possible to interview in quite the order that may have been the most desirable, due to availability.

34. Where interviews are taking place, it is best to interview witnesses in person where possible, rather than by Skype or similar.

35. When inviting witnesses to provide evidence, Conduct Investigators should explain that their evidence will inform part of a conduct investigation and that as Conduct Investigator you will need to inform the accused student regarding from whom you have received the information and what it says.

36. Conduct investigators should avoid providing witnesses with unnecessary detail about the case that they are investigating and, in particular, they should not reveal or attribute details from other witness statements. This is important to retain confidentiality and to meet data protection requirements.
37. Conduct Investigators are advised to take particular care to avoid giving weight to hearsay evidence. To this end, Conduct Investigators should encourage witnesses only to provide statements regarding what they have actually witnessed or conversations they have personally been party to.

**Interview technique**

38. Interview technique tips for Conduct Investigators

- Avoid loaded questions (e.g. “why did you do this to student Y?”);
- Use open rather than closed questions (e.g. “tell me about what happened…”), and only seek yes/no answers at end to pin down facts;
- Avoid accusatory questions (e.g. “you did X, didn’t you?”);
- Avoid leading questions (e.g. “how unreasonable did you think it was for X to do that?”);
- Avoid compound questions (e.g. “how did you feel about what happened and why did you feel that way?”);
- Develop facts in interview;
- Summarise and recap during process (e.g. “you have told me…”);
- Allow time for witness to recall/answer (don’t hurry/interrupt);
- Try and deal with conflicts/inconsistency;
- Consider follow up interviews where new issues or conflicts arise.

**Anonymous evidence**

39. Natural justice dictates that accused students are entitled to a fair hearing, which includes the right to know what they are accused of. In practice, this often means that an accused student needs to know who has made allegations against them.

40. If witnesses wish to remain anonymous then their statements are likely to be of limited value. For this reason, the Conduct Investigator is advised to discuss this with any witness who wishes to remain anonymous, making it clear that it is unlikely that the University will be able to use their evidence if their anonymity is preserved (without putting them under pressure to put their name to their statement).

41. The necessity of the anonymous evidence to the case is relevant. If the witness(es) in question does not wish to reveal his or her identity and the other evidence gathered by the Conduct Investigator is sufficient for a determination, then the case can proceed without the anonymous evidence. However, if the anonymous statements are crucial to making a specific finding in a case, the Conduct Investigator is advised to discuss this with Academic Services, who will consult Legal Services as necessary.

**Other forms of evidence**

42. Conduct investigation is a civil process, and the University does not have the powers of search and detention that the police have. This means there is a limit to what forms of evidence will be reasonably available to Conduct Investigators.

43. In addition to their testimony, witnesses may be able to provide evidence of email correspondence, screenshots of social media content, etc. In some cases involving misconduct in University buildings, it may be possible to view CCTV recordings.
Reaching findings in a case

44. The role of the Conduct Investigator is to weigh the evidence available (giving due weight to the credibility of witnesses) and determine whether, on the balance of probabilities, this supports a finding that a breach of the Code of Student Conduct has taken place. This means that the Conduct Investigator should be confident that the evidence indicates that it is more likely than not that a breach has taken place. In some cases, where there are conflicting accounts or a lack of evidence, it may not be possible to establish on the balance of probabilities that misconduct has taken place.

Writing the report

45. Conduct Investigators are expected to produce reports which are appropriate and proportionate to the nature or gravity of the case. So, for example, in a routine case where a student has been found smoking in an Accommodation Services room, there could be a standard letter which outlines the relevant facts (date, location, student details). For a more complex case, the Conduct Investigator’s report will set out the evidence, outline their findings and conclusions along with their reasoning. The length of the Conduct Investigator report will vary depending on the complexity and nature of the investigation. For a straightforward case, it is appropriate to produce a very short report (e.g. one or two pages).

46. Conduct investigations are unique, but as a guide, sections in the report for more complex cases could include:

- introduction/background (date case referred to you, any details provided upon referral about the allegation(s), relevant information from the student record);
- conduct investigation (grounds for investigation, how the investigation was carried out); interviews with reporting student(s), witness(es), accused student(s);
- Conclusions/findings;
- Appendices (e.g. any supporting documentation/evidence provided and referred to in the report, minutes/notes of meetings with students). Ensure that any appendices are provided in a way that they can be separated out later if required. For example, a Student Discipline Officer, when sending a report to an accused student, may wish to remove the minutes of a confidential complainant meeting.

47. Remember to date the report (with the date that it is finalised).

48. If there is found to be no case to answer, then the Conduct Investigator should write to the accused student to inform them and to send them the report (optional standard letter templates available, see paragraph 22). If there is found to be a case to answer, it is recommended that the Conduct Investigator makes contact with Academic Services who can provide advice about next steps (i.e. the process of referral of the case to either a Student Discipline Officer or Student Discipline Committee). The Conduct Investigator does not need to send the report to the accused student in these circumstances - this will be done by the Student Discipline Officer or Secretary to the Student Discipline Committee.

49. It may be necessary to redact information (for example names) when sending documentation to other parties. There are various tools available to support redacting of information in electronic documents- please contact Academic Services for advice.
Recording and reporting investigation findings

50. Conduct Investigators should report their findings to the relevant College Office or support group at the conclusion of their investigation. If there is found to be ‘no case to answer’ then the College or support group will still wish to retain this information for statistical and reporting purposes. If there is found to be a case to answer i.e. that the Code of Student Conduct has been breached, the College Office or support group should appoint a Student Discipline Officer, or, if it is believed to be a case that should go straight to the Student Discipline Committee, make contact with the Secretary to the Student Discipline Committee for further advice.

51. If there is found to be a case to answer and the case is passed to a Student Discipline Officer for penalties, the relevant College Office or support group will make contact with the Student Discipline Officer as soon as possible to remind them that it is their role to share the report of the Conduct Investigation with the accused student (it will not have been sent to the student previously by the Conduct Investigator if there is a case to answer). Once the Student Discipline Officer has concluded their work, the Student Discipline Officer should then report whether any penalty has been applied to the College Office or unit and to the Secretary to the Student Discipline Committee in Academic Services.

52. Any cases which go straight from a Conduct Investigator to the Student Discipline Committee will be handled by Academic Services, and Academic Services will include them in statistics for reporting purposes. Colleges and other units will be asked to provide statistical information annually to Academic Services who will report to the Senatus Quality Assurance Committee in relation to all breaches of the Code of Student Conduct.

The role of the Conduct Investigator after the investigation has concluded

53. If a case is passed to the Student Discipline Committee, the Conduct Investigator will usually be expected to attend the Student Discipline Committee meeting(s) to present the evidence against the accused student. Any Student Discipline Officer involved in the case is also likely to be present. At the meeting(s) it is likely that you will be asked to give an overview of your findings, and then the accused student and members of the Student Discipline Committee will be able to ask any questions about the investigation, the evidence presented and your conclusions. Academic Services can provide you with advice and guidance, if you are required to attend a Student Discipline Committee meeting.

D. Information for Student Discipline Officers

54. Student Discipline Officers receive reports of alleged misconduct from Conduct Investigators and determine whether a penalty should be applied, from the range listed at section 51 of the Code of Student Conduct.

Procedures

55. The Student Discipline Officer will follow sections 45-53 of the Code of Student Conduct. [www.ed.ac.uk/academic-services/staff/discipline/code-discipline]

56. If there is found to be a case to answer and the case has been passed to a Student Discipline Officer for penalty, the Student Discipline Officer must send the conduct investigation report to the accused student when they first make contact with them. If the
report received by the Conduct Investigator includes confidential notes of meetings with complainants or other witnesses, it may be necessary to remove these before sharing the report with the accused student. Further advice can be sought from Academic Services.

57. The Student Discipline Officer may wish to meet with the accused student but this is not always necessary; the process can be carried out by correspondence, provided that the accused student has the chance to make a formal statement in mitigation before any penalty is applied. The Student Discipline Officer may also have questions or clarifications to ask of the Conduct Investigator and may wish to contact them directly with any queries.

**Conducting interviews**

58. Interview technique tips are outlined in paragraph 38.

**Writing to students - optional template letters**

59. Optional template letters for use by Student Discipline Officers are available at www.ed.ac.uk/academic-services/staff/discipline/code-discipline. This includes an ‘invite student to meeting’ letter, ‘inviting student to make a statement’ letter and an ‘imposing penalties’ letter. These are available as word documents and can be modified by the Student Discipline Officer to suit the situation.

**Recording and reporting findings/penalties**

60. The Student Discipline Officer should report the outcome to the relevant College Office or unit and send a copy of penalty outcome letters to the Secretary to the Student Discipline Committee in Academic Services. Colleges and other units will be asked to provide statistical information annually to the Senatus Quality Assurance Committee in relation to all breaches of the Code of Student Conduct.

**E. Information for the Student Discipline Committee**

61. The Student Discipline Committee hears and adjudicates on individual cases of alleged breaches of the Code of Student Conduct. Members of the Student Discipline Committee are appointed by the Senatus Curriculum and Student Progression Committee, and include members of University staff and matriculated students. The Committee meets as and when required. The membership list is located at: www.ed.ac.uk/academic-services/staff/discipline/discipline-committee

62. The Student Discipline Committee will follow Section 54-77 of the Code of Student Conduct www.ed.ac.uk/academic-services/staff/discipline/code-discipline

**F. Examples of misconduct**

63. The Code of Student Conduct provides a non-exhaustive list of categories of student misconduct (section 12 of the Code). This guidance outlines examples of misconduct and the category under which they are investigated. Depending on the nature of the alleged misconduct, cases may be investigated under one or more categories. Note that a “Person” (as referred to in Section 12 of the Code) is defined in the Code as any student of the
Categories and examples

12.1 Disrupting, or interfering with any academic, administrative, sporting, social or other University activities;
   Examples: disruptive behaviour at a lecture or in a similar setting, at an examination, in a student service (such as Careers Service), a sports fixture, a student society, etc.

12.2 Obstructing, or interfering with, the functions, duties or activities of any Person;
   Examples: refusing to answer a request or comply with the reasonable instructions of University servitors or security staff; submitting an 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 harassment or 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; unreasonably excluding a student or students from participating in a debate on a particular issue.

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 for assessment or research purposes (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)/

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: unreasonably 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, breaching computing regulations.*

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; 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*

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

12.10 Misconduct in research;
   *Examples: falsifying research data; omitting research 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 or equipment; 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; 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.] *The University’s computing regulations are also relevant: www.ed.ac.uk/schools-departments/information-services/about/policies-and-regulations/computing-regulations*  

12.13 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 where they may be connected to the University*

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

12.15 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

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

12.17 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: falsifying information in application forms; failing to declare relevant information, such as on criminal convictions. The University’s Degree Regulations, Fitness to practice regulations, Student Disclosure Assessment and Admissions policies are also relevant:
www.drps.ed.ac.uk/

G. Penalties and reporting

64. The University maintains and publishes overall statistics in relation to breaches of the Code of Student Conduct, and this data can be compared over a number of years. This is available at www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/Student_Discipline_Stats.pdf

65. The Senatus Quality Assurance Committee receives an annual report on student discipline, prepared by the Secretary of the Student Discipline Committee. This report provides information on the number of breaches of the Code of Student Conduct over the course of the academic year, as well as details of the nature of the misconduct offences committed.

H. Legal advice and contact with the police

66. Academic Services are responsible for liaising with Legal Services for advice, and/or the Police/Procurator Fiscal for information regarding legal/criminal cases. Conduct Investigators, Student Discipline Officers, or other staff dealing with cases of alleged misconduct can contact Academic Services at any stage.

I. Useful links/further advice

67. Useful links

- Code of Student Conduct
  www.ed.ac.uk/schools-departments/academic-services/staff/discipline/code-discipline
- Optional standard letters for use by Conduct Investigators and Student Discipline Officers
  www.ed.ac.uk/academic-services/staff/discipline/code-discipline
- Checklists for use by Conduct Investigators
  www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/Checklist-ConductInvestigator.pdf
- Checklists for use by Student Discipline Officers
  www.docs.sasg.ed.ac.uk/AcademicServices/Discipline/Checklist-StudentDisciplineOfficer.pdf
Code of Student Conduct Guidance

- Academic misconduct
  www.ed.ac.uk/schools-departments/academic-services/staff/discipline/academic-misconduct
- Support for Study Policy
  www.ed.ac.uk/files/atoms/files/supportforstudypolicy.pdf
- Support for Study Flowchart
  www.ed.ac.uk/files/atoms/files/supportforstudypolicyflowchart_a3_portrait_.pdf
- Complaint Handling
  www.ed.ac.uk/university-secretary-group/complaint-handling-procedure
- Mental Health Code of Practice
  www.ed.ac.uk/schools-departments/student-disability-service/staff/supporting-students/mental-health/code-of-practice
- 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/help-distressed-students

68. Further advice on student conduct processes can be obtained from Academic Services:

Ailsa Taylor
Academic Policy Officer
Academic Services
ailsa.taylor@ed.ac.uk
0131 650 2366

Roshni Hume
Academic Policy Officer
Academic Services
roshni.hume@ed.ac.uk
0131 651 4011

Adam Bunni
Head of Governance and Regulatory Framework Team
Academic Services
adam.bunni@ed.ac.uk
0131 650 2159

academic.services@ed.ac.uk
0131 651 4490

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Additional considerations when dealing with cases involving allegations of sexual violence

Introduction

1. Allegations of misconduct involving sexual violence are likely to have an adverse impact on all students involved (whether the incident is dealt with through an internal conduct process or a criminal process). As a priority the University must take steps to ensure that all students involved in any such incidents, particularly the reporting student and the accused student, have access to support, advice and assistance throughout the process.

2. Information and advice for students and staff is available:

   Guidelines for Students: What to do if you have been sexually harassed or assaulted
   www.ed.ac.uk/students/health-and-wellbeing/support-in-a-crisis/sexual-assault-and-harassment

   Guidelines for staff:
   www.ed.ac.uk/staff/student-support/sexual-harassment

Internal/criminal investigation

3. Section 10 of this Code of Student Conduct Guidance provides information regarding the interaction between the University's internal disciplinary process and any relevant criminal proceedings.

Managing expectations

4. It is important to convey the scope and limitations of the University’s disciplinary process in contrast to a criminal process, both in terms of the investigation, and potential sanctions. The University does not have the power to compel witnesses to give evidence, to conduct search and seizure, or to gather forensic evidence. While the criminal process can result in a range of sanctions including imprisonment, the greatest sanction under the disciplinary process is permanent exclusion from the University.

Sensitivity and communicating outcomes

5. It is vital that complaints about sexual violence are considered sensitively. Complainants and accused students should be assured that the University has a duty of care to them and that support is available to them, both within the University and externally.

6. Complainants should be assured that all information concerning sexual violence will be treated in confidence as far as possible and that information will only be shared on a need-to-know basis. Complainants should, however, be made aware that there may be circumstances in which confidentiality cannot be maintained, for example if it is deemed that the complainant or other members of the University community may be in serious or immediate danger.
7. It is also important that the complainant understands that the accused may be able to access some of or all of the information provided by the complainant as a part of the investigation.

8. When meeting with the complainant, the Conduct Investigator should allow them to take their time to explain their situation. It is important to listen to them sympathetically and non-judgmentally. Try not to ask questions while the complainant is talking and offer them the opportunity to take a break, if required.

9. In some cases, the evidence available may not support a finding that a breach has taken place. It is important that complainants are not discouraged from reporting allegations to the University in these circumstances. We should reassure complainants that their complaint has been taken seriously and that every reasonable avenue of investigation has been explored. Although we cannot sanction another student in these cases, we should explain what support is available to the complainant, and ask them whether there is anything else we can do to help them to feel safe. This may include reminding them that they can still consider going to Police Scotland if they have not already done so, and that Edinburgh Rape Crisis and the Advice Place can provide support with this.

Language to use and language to avoid

10. When communicating with a complainant, try to avoid the use of the word “allegation”: use the word “report” or “complaint” or “you told us/ advised us of X” wherever possible. When dealing with the complainant, aim to refer to other party as “the person(s) you have reported/complained about”, or “the accused student(s)”.

Contact with the Police

11. The University will not normally report an allegation of sexual violence to the Police without the permission of the complainant. However if it is believed that the accused student may represent a continued threat to other members of the University community, it may be necessary for the University to breach confidentiality and report the incident to the Police. Any such decision would be taken by the University Secretary or representative following discussion with the complainant and based on legal advice as required.

12. With this in mind, the University’s focus will be on making complainants aware of their options, including reporting the complaint to the Police.

13. Academic Services will be responsible for liaising with the Police/Procurator Fiscal for information regarding criminal cases.