

The Code of Student Conduct ('the Code') is governed by Resolution No. 670 of the University Court, which at the time of publication was in draft form.

What this Code covers

33.1 All students of the University are required to behave acceptably and adhere to the University's rules at all times. Students attending Associated Institutions are also expected to abide by the conduct rules of those Institutions (which are published separately), but students will not be subject to the rules of both Institutions for the same offence.

33.2 All students are subject to this Code in relation to:

- a) the activities they engage in as students of the University; or
- b) the services or facilities they access due to being students of the University; or
- c) their presence in, or access to, premises owned, leased or managed by the University; or
- d) any activity not covered by (a), (b) or (c), but which might harm the safety, interests or reputation of the University and its community, or impact on the student's suitability to remain a registered student.

33.3 The University may take action under this Code even where the student concerned is no longer registered at the University, if the matter under consideration happened when the student was registered at the University.

33.4 This Code is separate from matters of criminal law and does not aim to make findings on matters of law. However, the Code will be applied in a way that deals with cases fairly and justly.

Student Conduct Offences

33.5 It is understood that students' behaviour may be affected by some health conditions. However, the University must ensure that students and staff are not subjected to unacceptable behaviour, so concerns relating to inappropriate behaviour will be addressed by the University and may be considered under this Code. Health or disability will be taken into account where it might be relevant to the concern raised. Where behaviour is found to be unacceptable because of a health condition or disability, the University will try to offer appropriate support to help the student manage their condition.

33.6 Misconduct means behaviour that falls short of the standard of behaviour expected of a student of the University. There is no definitive list of student conduct offences but the following examples would be regarded as misconduct. "Person" means any student, employee, contractor, visitor or representative of the University.

- i) Cheating or gaining an unfair advantage in an assessment, or attempting to do so, or helping another student to do so. This includes:
 - plagiarism from published or online materials, other students' work, or one's own work previously submitted for assessment at this or another institution;
 - purchasing work or having it produced by any other person or commercial service;
 - providing one's own work to another student to use for assessment, or producing work for another student;
 - bringing material or items to, or using material or items in, an examination that could give an unfair advantage, such as notes;
 - bringing material or items into an examination that are not permitted and could potentially cause the examination to be compromised (including but not limited to mobile phones or tablets, smart watches, notes, unauthorised types of calculator, subject-specific dictionaries, or annotations on any material or item), regardless of whether these are brought intentionally or are used during the examination. Examination invigilators will make clear at the start of each examination what is and is not permitted and Schools will also advise students in advance about specific instructions.
- ii) Engaging in misconduct in research;¹
- iii) Disrupting, or interfering with, any academic, administrative, sporting, social or other University activity;
- iv) Preventing, hindering or obstructing any Person from carrying out their duties or activities;
- v) Behaving in a disorderly, threatening, offensive, indecent or violent manner (including sexual violence or abuse) or using threatening, offensive or indecent language (whether expressed orally, in writing, or electronically);²
- vi) Behaving in a way that risks the safety of any Person, or could cause injury;

¹ The University's [Code of Policy and Procedures for Investigating Allegations of Misconduct in Research](#) may be referred to during Student Conduct proceedings.

² This is based on the principle that people have the right to their own beliefs, but not to engage in activities or acts which interfere with the rights or beliefs of others (for further information see the University's [Equality & Diversity Policy](#)).

- vii) Discriminating against any Person on grounds such as age, disability, gender, gender identity, political or religious beliefs, race, ethnic or national origin, sexual orientation or socio-economic background;
- viii) Harassing any Person;
- ix) Behaving dishonestly by engaging in fraud, deception, misrepresentation, or personation (including the falsification or misuse of University documents);
- x) Damaging or vandalising University property or the property of any Person;
- xi) Stealing or misappropriating University property (including funds) or the property of any Person;
- xii) Misusing or making unauthorised use of University premises or property, including misusing IT facilities or safety equipment;
- xiii) Deliberately doing, or failing to do, anything that thereby causes the University to be in breach of a statutory obligation;
- xiv) Possessing, using or supplying a controlled drug as defined by the Misuse of Drugs Act 1971 (as amended from time to time);
- xv) Making false, frivolous, malicious or vexatious complaints (without removing the right to make complaints and raise concerns through formal procedures);
- xvi) Conduct that may harm the University's reputation;
- xvii) Behaviour that is likely to render a student unfit to practise the profession to which their degree leads;
- xviii) Failing to comply with any previously imposed penalty under this Code.

33.7 Other regulations and policies exist separately that cover, for example, the use of IT facilities, student unions, Halls of Residence, and so on. Minor breaches of those regulations may be dealt with under those policies, but major breaches may be dealt with under this Code.

Misconduct and the Criminal Law

33.8 Where the University believes or is informed that a criminal offence may have been committed, either on campus or off campus, it may report the matter to the police, regardless of the stage of any investigation or conduct procedure under this Code.

33.9 Where criminal proceedings against a student are ongoing, the University may:

- a) suspend action under this Code until the outcome of those proceedings is known;
- b) postpone making a decision about whether to take action under this Code until the outcome of those proceedings is known;
- c) decide to continue or commence action under this Code.

33.10 The University may still take action under this Code for an incident that has been considered by a criminal court, whether or not the student has been found guilty of any criminal offence in court.

33.11 Where a student is convicted of an offence, the University may use this information as evidence in conduct proceedings if it is directly relevant to the matter being considered.

33.12 Any sentence or order imposed by a criminal court will be taken into account in deciding on any penalty to be applied under this Code.

Precautionary Suspension

33.13 The Clerk of Senate, or nominee, has the authority to suspend a student from all or part of the University, with immediate effect, pending further investigation under this Code. Suspension may be considered necessary as a precautionary measure:

- to protect members of the University (students and/or staff) or the public;
- pending the outcome of any criminal investigation or proceedings.

33.14 Precautionary suspension pending an investigation is not a finding of guilt, nor a formal conduct penalty. Depending on the circumstances of the case, the Clerk of Senate, or nominee, may decide that a student can:

- i) continue with their studies off campus; and/or
- ii) submit assessments or attend examinations under prescribed conditions. Any costs associated with alternative examination arrangements must be met by the student. Boards of Examiners shall not consider any assessment results for any student suspended under §33.13 of this Code.

33.15 A precautionary suspension may be reviewed if there is evidence that the suspension was imposed on the basis of factual error. A student seeking such a review should submit their case (including evidence) in writing to the Director of the Senate Office.

Conduct Procedures

Referral

33.16 Allegations of misconduct can be submitted by any student or staff member and this may be done via a student representative or other staff member. Reports should be made in writing to the Senate Office which will refer the allegation to the Senior Senate Assessor for Student Conduct.

Failure to Appear

33.17 If a student does not attend a conduct hearing or meeting on the scheduled date, and has not advised of medical or other grounds that prevent attendance, the matter may be dealt with in the student's absence if it is clear that the student has received adequate notice of the meeting. If the allegation is found to be established, an appropriate penalty will be applied.

Senate Assessors for Student Conduct

33.18 The Senate shall appoint a minimum of five Senate Assessors for Student Conduct ('the Assessors') to consider cases and take disciplinary action. The Assessors take the role for four years, and the Senate appoints a Senior Assessor from amongst the Assessors. None of the Assessors are members of the Senate Student Conduct Committee. The duties of the Senior Assessor can be performed by any of the Assessors, if required.

Level 1

Allegation that a student has engaged in misconduct

33.19 Before interviewing a student accused of misconduct, the Assessors are entitled to carry out appropriate investigation into the allegation(s). This might include interviews with the person who reported the allegation(s), other students and staff, and members of the public. The Assessors may decide, after investigation, not to take the matter further.

Procedure at Level 1

33.20 The student may be required to attend a meeting with the Assessors to discuss the allegation(s) and to give the student the opportunity to respond. Alternatively, in straightforward cases, the student may be asked by letter to confirm whether or not they admit to the offence, and will be advised of the likely penalty. If they admit to the offence, they may submit a written statement and the matter may be dealt with in the student's absence. If the student prefers to attend a meeting, this will be permitted.

33.21 If the allegation(s) is considered very serious, the Senior Senate Assessor can decide with another Assessor that there is a *prima facie* ('at first sight') case that the student has engaged in serious misconduct, and can make a preliminary disposal to refer the case directly to Level 2, the Senate Student Conduct Committee, for a full hearing.

33.22 The student will be informed of the allegation(s) in writing as soon as possible. Full details of the allegation(s), any evidence collected and the arrangements for the meeting will be provided.

33.23 In exceptional cases additional to those described in §33.20, (for example, if the student is overseas or is unwell), the Assessors may agree to accept a written statement from the student instead of the student meeting with them. The Assessors shall consider any written statement in the same way as an oral statement.

33.24 The student has the right to be accompanied, assisted or represented at the meeting by one of the following: a parent or guardian; a fellow student or other friend; an Adviser from the Students' Representative Council Advice Centre; a member of University staff, or any other person. At the interview, the Assessors will confirm whether the student or the representative will speak, although the Assessors retain the right to question the student directly if they wish. If the student decides to speak, any supporter may be invited by the Assessors to contribute.

33.25 Any unauthorised electronic recording of the meeting is expressly forbidden by the University. Unauthorised electronic recordings of previous meetings or events are not admissible as evidence at the meeting.

33.26 At the meeting, the detail of the allegations are stated and the student is given the opportunity to respond, and to admit or deny responsibility. The Assessors are assisted by a clerk who will take a record of the meeting.

Outcome at Level 1

At the conclusion of the meeting the Assessors may:

- a) dismiss the allegation of misconduct and advise that no further action should be taken;
- b) carry out further investigation as permitted in §33.19;
- c) impose a penalty or condition in accordance with §33.27(b) or (c);
- d) refer the matter to the Senate Student Conduct Committee.

33.27 If responsibility is admitted by the student, or if it is judged to be beyond reasonable doubt that a minor offence has been committed:

- a) The Assessors will ask the student or supporter to make a statement explaining the behaviour or offering information that might be relevant in deciding on a penalty.
- b) Then, the Assessors may:

- i) issue a verbal warning;
 - ii) issue a written warning;
 - iii) require the student to cover the cost of damage to property, or costs incurred as a result of the behaviour, with no financial limit;
 - iv) impose a fine of up to £200;
 - v) require the student to carry out up to 24 hours of community service, with no more than two hours to be undertaken consecutively. The Assessors may require this to be supervised;
 - vi) overturn the result of an assessment or examination diet;
 - vii) impose an academic penalty, in the case of an academic offence. An academic penalty may include one or more of the following: a reduction in marks for an individual assessment (including an award of zero marks); a reduced course grade (up to the lowest grade, H); capping of subsequent course grades or assessment results; prohibition of any reassessment opportunity; refusing credit for a course (CR); reducing grades or refusing credit for an entire assessment diet or semester of courses;
 - viii) suspend the student from all or part of the University for up to 12 weeks, or impose conditions on the student continuing with studies;
 - ix) select any combination of the above.
- c) The Assessors may require the student to write a letter of apology to any wronged person.
- d) The Assessors will tell the relevant Board of Examiners of any academic penalty imposed. The Board of Examiners cannot review or change the penalty imposed by the Assessors.
- e) Where a fine or costs are to be paid, the timing and method of payment are decided by the Assessors and indicated to the student.
- f) If the Assessors consider that the penalties available to them are inadequate for the allegation being considered, they may refer the matter to the Senate Student Conduct Committee.
- g) The student has the right of appeal against any penalty or condition imposed by the Assessors. The procedures are set out under §33.44 - §33.60.

33.28 The Assessors will tell the student the outcome of the interview at the end of the meeting, and the outcome will be confirmed in writing within 10 working days.³

Level 2: Senate Student Conduct Committee

33.29 The Senate Student Conduct Committee ('the Committee') is appointed by the Senate. The Committee membership is:

Convener (appointed by Senate);

College representatives (members of Senate);

Student member (the President of the Students' Representative Council or their nominee).

At least five members of the Committee must be present at any hearing, including the Convener and at least three College members. All reasonable steps will be taken to include a student member on the Committee. No member of the Committee will have had direct or previous involvement with the student or work directly within the area where any alleged offence took place.

Procedure at Level 2

33.30 A case may be referred to the Committee:

- a) due to the seriousness of the allegation (following a preliminary disposal by the Assessors); or
- b) because the student denies responsibility; or
- c) where responsibility has been admitted at Level 1 but the Assessors consider the penalties or actions available to them are inadequate.

33.31 The Assessors will give the Committee a written report of the case, and a copy will be sent to the student before the hearing.

33.32 At least 10 working days before the hearing, the Clerk of the Committee will send the student notice of the hearing and details of the allegation.

³ For the purposes of this Code, Monday to Friday are counted as working days except when the University is closed for a Public Holiday (as listed at <https://www.gla.ac.uk/myglasgow/humanresources/all/worklife/public/holidays/public/>). Saturdays and Sundays are not counted as working days.

33.33 The student is entitled to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Adviser from the Students' Representative Council Advice Centre; a member of University staff, or any other person. The student must inform the Clerk of the Committee at least five working days before the hearing of the name of any legal representative.

33.34 The Committee may accept a written statement from the student as evidence instead of the student or representative attending the Committee. The Committee considers a written statement in the same way as an oral statement.

33.35 Other persons may attend meetings of the Committee, with members' permission.

33.36 Any unauthorised electronic recording of the hearing is expressly forbidden by the University. Unauthorised electronic recordings of previous meetings or events are not admissible as evidence at the hearing.

33.37 If the student has denied responsibility at the Level 1 Assessors' interview, but later wishes to accept responsibility, this can be done in writing to the Clerk of the Committee before the hearing takes place. The case will then be referred back to the Assessors to consider under §33.27.

33.38 At the hearing:

- a) The Convener of the Committee will introduce all present;
- b) The Convener will confirm the names of any witnesses that either the student or the Assessors propose to call. The Convener will confirm who is to be the spokesperson for the student (either the student or their representative) during the hearing. Where applicable, the Convener will confirm, for the record, that a student has chosen not to be accompanied;
- c) The Assessor will present the case, and will confirm the allegation(s) against the student. The Assessor will present the findings of any investigation calling witnesses as appropriate;
- d) The student or supporter will be invited to respond to the case presented by the Assessor and may call witnesses, as appropriate. The student will be invited to state whether they admit or deny the allegation(s);
- e) The Committee may ask questions of the student, the student's representative or supporter, the Assessor and any witnesses;⁴
- f) Through the Convener, the student (or their representative) may ask questions of the Assessor and witnesses;
- g) Through the Convener, the Assessor may ask questions of the student and witnesses;
- h) The Convener will invite the Assessor and the student (or supporter) to sum up;
- i) If the student admits the allegation they will be invited to give an explanation of the misconduct and advise the Committee of any information that might be relevant in deciding on a penalty;
- j) Everyone except the Committee and its Clerk will leave the room while the Committee considers its decision, and will return to hear the decision;
- k) The Committee will decide whether the case is established (whether the student has committed the alleged misconduct). This decision will be made on the balance of probabilities;
- l) If the case is established, the Committee will agree on any penalty or condition to impose. Where a student has denied responsibility, the student (and supporter) will be invited back into the room and will be advised that the case has been established and invited to give an explanation of the misconduct and to present any information that might be relevant in deciding on a penalty. The Committee will then decide on any appropriate penalty or condition;
- m) The Committee will reach its decision by majority vote, the Convener having the casting vote in the event of an equal division of votes;
- n) The Committee may at any time seek additional evidence or information from other parties;
- o) The Committee may adjourn the hearing and delay making a decision where it is decided that further investigation into the allegation(s) is needed.

Outcome at Level 2

33.39 If the case is established, the Committee can impose any penalty or condition it considers appropriate, including suspension or expulsion. In making its decision, the Committee decides whether to recommend to the Clerk of Senate that any of its penalties or conditions should be put on hold if the student appeals against the Committee's decision (see §33.66 of this Code).

33.40 The student has the right of appeal against any penalty or condition imposed by the Committee. The procedures are set out under §33.61 - §33.77.

33.41 The decision of the Committee is normally given verbally to the student at the end of the hearing. The student will also receive the decision in writing within 10 working days.

⁴ The Convener will ensure that any questioning by any party is appropriate and will not permit any questioning which is deemed to be vexatious, harassing, or irrelevant to the case.

Failure to Comply with the Code of Student Conduct

33.42 Where a student has failed to comply, without good reason, with the Code (such as by failing to attend a meeting with the Assessors or the Committee, or by failing to comply with a penalty or condition imposed), the Clerk of Senate, or nominee, may refuse to allow the student to re-register or graduate until the matter is resolved.

Appeals Procedures

The appeals procedures for Level 1 and 2 conduct decisions are set out below along with the appeal process for penalties imposed under other regulations.

33.43 The University reserves the right to suspend procedures for appeal within this Code if the student behaves inappropriately during the Conduct process. In such cases the Clerk of Senate or nominee will suspend procedures and advise the student of this. Further misconduct may be considered an additional breach of the Code and may lead to further conduct proceedings.

Appeal Against Decisions of the Senate Assessors for Student Conduct (Level 1)

33.44 A student may appeal to the Senate Student Conduct Committee against a penalty or condition imposed by the Assessors. The Committee will be convened by the Clerk of Senate. The rest of the membership of the Committee, and the quorum, is as specified in §33.29.

33.45 The student must appeal in writing to the Director of the Senate Office within 10 working days of the date of the letter advising of the Assessors' decision.

33.46 The Committee shall consider an appeal only on the following grounds:

- a) new evidence has emerged that could not reasonably have been produced at the Assessor stage;
- b) there has been defective procedure at the Assessor stage;
- c) the penalty or condition imposed by the Assessors, or the disposal of an appeal at the Assessor stage, was clearly unreasonable.

33.47 The letter of appeal must provide details of the penalty or condition imposed by the Senate Assessors and clearly specify any new evidence, describe how the procedure was defective or explain why the outcome was unreasonable and the Assessors have been mistaken in their decision. If new evidence is submitted, it must be explained why this could not have reasonably been produced at the first stage. The letter should also specify the outcome the student seeks.

33.48 Additional grounds for the appeal (within those permitted in §33.46) may be allowed with the prior permission of the Convener. If additional grounds are introduced at a hearing, it may lead to the hearing being adjourned.

33.49 An appeal against the Assessors' decision normally means that the penalty or condition imposed is not imposed while the appeal is being considered. However, the Clerk of Senate has the right to maintain the penalty or condition, if the Assessors recommend this. In such cases the Clerk of Senate will inform the student of this decision and the reasons for it. This provision does not apply to a suspension under §33.13 of this Code.

33.50 The Senate Assessor receives a copy of the letter of appeal and provides the Committee with a written statement of the circumstances of the case.

Preliminary Disposal (Level 1 Appeal)

33.51 The Convener of the Committee may make a preliminary disposal in consultation with two members of the Senate Student Conduct Committee, and may:

- i) dismiss the appeal because it does not meet any of the grounds specified in §33.46(a)-(c), or because the appeal is frivolous or vexatious, or because the appeal is out of time;
- ii) dismiss the appeal because it does not demonstrate that there was defective or unfair procedure in the Assessors' disposal of the appeal, that they did not take relevant medical evidence or adverse personal circumstances into account, or that their decision was clearly unreasonable;
- iii) dismiss the appeal because the new evidence submitted by the student could reasonably have been presented to the Assessors;
- iv) refer the appeal to the Committee for a full hearing. Referral to a hearing does not suggest that a *prima facie* ('at first sight') case has been established.
- v) uphold the appeal and set aside or change the decision and/or penalty imposed by the Assessors.

33.52 The Convener may also seek further information as appropriate.

33.53 The student will receive a letter providing the outcome of the preliminary disposal and the reasons for the decision. All papers considered by the Committee will be included.

33.54 An appeal which has been dismissed under preliminary disposal may be reinstated if the Committee has overlooked an aspect of the original appeal. The student (or their representative) is required to submit an application for the appeal to be reinstated by explaining what aspects of the appeal were overlooked. The submission must be made in writing within 10 working days of the date of the letter giving the outcome of preliminary disposal.

Procedure for a full Hearing (Level 1 Appeal)

33.55 The papers will be sent to the student at least 10 working days before the hearing to allow reasonable time for the student to prepare for the hearing.

33.56 The student is entitled to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Adviser from the Students' Representative Council Advice Centre; a member of University staff, or any other person. The student must inform the Clerk of the Committee at least five working days before the hearing of the name of any legal representative.

33.57 If the student does not attend on the scheduled date, and has not advised of medical or other grounds that prevent attendance, the Conduct Committee may deal with the matter in the student's absence, if they are satisfied that the student has received adequate notice of the meeting. The Conduct Committee may make its judgement in the student's absence.

33.58 At the hearing:

- a) the Convener will introduce all present;
- b) the Convener will confirm the names of any witnesses which either the student or the Assessors propose to call. The Convener will confirm who is to be the spokesperson for the student (either the student or their representative) during the hearing. Where applicable, the Convener will confirm, for the record, that a student has chosen not to be accompanied;
- c) the Convener invites the student or supporter to make a statement;
- d) the Committee may question the student, or where appropriate their representative, the Assessor and any witnesses;
- e) the Convener invites the Assessor to comment;
- f) everyone except the Committee and its Clerk will leave the room while the Committee considers its decision;
- g) The Committee will reach its decision by majority vote, the Convener having the casting vote in the event of an equal division of votes;
- h) all parties will return to the room to hear the decision, which will also be provided to the student in writing within 10 working days of the meeting.

Outcome (Level 1 Appeal)

33.59 The appeal will be decided on the balance of probabilities and in this process the Committee may:

- a) take into account any previous breaches of this Code by the student;
- b) set aside, change, or uphold the penalty imposed by the Assessors.

33.60 The decision of the Conduct Committee is final and there is no further opportunity for appeal against that decision within the University.

Appeal Against Decisions of the Senate Student Conduct Committee (Level 2)

33.61 A student may appeal to the Conduct Appeal Committee against a decision of the Senate Student Conduct Committee, except in cases under §33.44 - §33.60 of this Code where the decision relates to a Level 1 appeal against a penalty or decision of the Assessors.

33.62 The Clerk of Senate convenes the Conduct Appeal Committee, which comprises members of the Senate Student Conduct Committee (see §33.29). The quorum is five, and no member who has had any previous involvement with the case will be included. If the Clerk of Senate has had prior involvement with the case, an alternative convener of equivalent seniority (i.e. a Vice Principal) will be appointed. The Conduct Appeal Committee has full powers to decide the appeal and will report its decision to Senate. Decisions of the Conduct Appeal Committee are by a majority, with the Convener having the casting vote, if necessary.

33.63 The student must appeal in writing to the Director of the Senate Office within 10 working days of the date of the letter advising of the Committee's decision.

The Conduct Appeal Committee shall consider an appeal only on the following grounds:

- i) new evidence has emerged which could not reasonably have been presented to the Conduct Committee;
- ii) there has been defective procedure by the Conduct Committee;
- iii) the penalty or condition(s) imposed by the Conduct Committee was clearly unreasonable.

33.64 The letter of appeal must provide details of the penalty or condition imposed, and clearly specify any new evidence, describe how the procedure was defective or explain why the penalty was clearly unreasonable. If new evidence is submitted, it must be explained why this could not have reasonably been produced at the Conduct Committee stage. The letter should also specify the outcome the student seeks.

33.65 Additional grounds for the appeal (within those permitted in §33.63) may be allowed with the prior permission of the Convener. If additional grounds are introduced at a hearing, it may lead to the hearing being adjourned.

33.66 An appeal against the Conduct Committee's decision normally means that the penalty or condition is not imposed while the appeal is being considered. However, the Clerk of Senate has the right to maintain the penalty or condition, if the Conduct Committee recommends this. In such cases the Clerk of Senate will inform the student of this decision and the reasons for it. This provision does not apply to a suspension under §33.13 of this Code.

33.67 The Convener of the Conduct Committee receives a copy of the letter of appeal and provides the Conduct Appeal Committee with a written statement of the circumstances of the case.

Preliminary Disposal (Level 2 Appeal)

33.68 The Convener of the Conduct Appeal Committee may make a preliminary disposal in consultation with two members of the Conduct Appeal Committee, and may:

- i) dismiss the appeal because it does not meet any of the grounds specified in §33.63;
- ii) dismiss the appeal because the appeal is frivolous or vexatious or because the appeal is out of time;
- iii) dismiss the appeal because it does not demonstrate that there was defective or unfair procedure by the Conduct Committee, that it did not take relevant medical evidence or adverse personal circumstances into account or that its decision was clearly unreasonable;
- iv) dismiss the appeal because the new evidence submitted by the student could reasonably have been presented to the Conduct Committee;
- v) refer the appeal to the Conduct Appeal Committee for a full hearing. Referral to a hearing does not suggest that a *prima facie* ('at first sight') case has been established;
- vi) uphold the appeal and set aside or change the decision and/or penalty imposed by the Conduct Committee.

33.69 The Convener may seek further information as appropriate.

33.70 The student will receive a letter providing the outcome of the preliminary disposal and the reasons for the decision. All papers considered by the Conduct Appeal Committee will be included.

33.71 An appeal which has been dismissed under preliminary disposal may be reinstated if the Conduct Appeal Committee has overlooked an aspect of the original appeal. The student or their representative is required to submit an application for the appeal to be reinstated by explaining what aspects of the appeal were overlooked. The submission must be made in writing within 10 working days of the date of the letter giving the outcome of preliminary disposal.

Procedure for a full Hearing (Level 2 Appeal)

33.72 The papers will be sent to the student at least 10 working days before the hearing to allow reasonable time for the student to prepare for the hearing.

33.73 The student is entitled to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Adviser from the Students' Representative Council Advice Centre; a member of University staff, or any other person. The student must inform the Clerk of the Committee at least five working days before the hearing of the name of any legal representative.

33.74 If the student does not attend on the scheduled date, and has not advised of medical or other grounds that prevent attendance, the Conduct Appeal Committee may deal with the matter in the student's absence, if they are satisfied that the student has received adequate notice of the meeting. The Conduct Appeal Committee may make its judgement in the student's absence.

33.75 At the hearing:

- a) the Convener will introduce all present;
- b) the Convener will confirm the names of any witnesses which either the student or the Convener of the Conduct Committee propose to call. The Convener will confirm who is to be the spokesperson for the student (either the student or their representative) during the hearing. Where applicable, the Convener will confirm, for the record, that a student has chosen not to be accompanied;
- c) the Convener will invite the student or supporter to make a statement;
- d) the Committee may question the student, the Convener of the Conduct Committee, and any witnesses;
- e) the Convener will invite the Convener of the Conduct Committee to comment;
- f) everyone except the Committee and its Clerk will leave the room while the Committee considers its decision;
- g) all parties will return to the room to hear the decision, which is also provided to the student in writing within 10 working days of the meeting.

Outcome (Level 2 Appeal)

33.76 The appeal will be decided on the balance of probabilities and in this process the Committee Appeal Committee may:

- a) take into account any previous breaches of this Code by the student;

b) set aside, change, or uphold the penalty imposed by the Conduct Committee.

33.77 The decision of the Conduct Appeal Committee is final and there is no further opportunity for appeal against that decision within the University.

Appeal Procedure for Penalties Imposed for Misconduct under the Plagiarism Statement or other Regulations set out in §33.7

33.78 A student may appeal to the Assessors against a penalty or condition imposed by a Head of School under the Plagiarism Statement, or by another university officer as set out in §33.7.

33.79 The student must appeal in writing to the Director of the Senate Office within 10 working days of the date of the letter advising of the penalty being appealed against.

33.80 The Assessors will consider an appeal only on the following grounds:

- a) new evidence has emerged which could not reasonably have been produced at the first stage;
- b) there has been defective procedure at the first stage;
- c) the penalty imposed was clearly unreasonable.

The letter of appeal must provide details of the penalty or condition that is being appealed, and clearly specify any new evidence, describe how the procedure was defective or explain why the penalty was clearly unreasonable. If new evidence is submitted, it must be explained why this could not have reasonably been produced at the first stage. The letter should also specify the outcome the student seeks.

33.81 After receiving the appeal, the Senior Senate Assessor will consult with one other Assessor, and they may decide to:

- a) dismiss the appeal because it does not meet any of the grounds specified in §33.80(a)-(c), or because the appeal is frivolous or vexatious, or because the appeal is out of time;
- b) refer the appeal for consideration, if the appeal meets at least one of the grounds specified in §33.80(a)-(c).

33.82 Where grounds for appeal are met, the student has the right to meet with the Assessors, and can be accompanied, assisted or represented at the interview by one of the following: a parent or guardian; a fellow student or other friend; an Adviser from Students' Representative Council Advice Centre; a member of University staff, or any other person.

33.83 The Head of School or other officer responsible for the penalty being appealed against attends the hearing.

33.84 The procedure will be:

- a) at least two Assessors will be present at the meeting;
- b) the Assessors will ask the student or supporter to make a statement;
- c) the Assessors may ask questions to the student directly;
- d) the Assessors will invite the Head of School or other officer to give a response to the appeal;
- e) everyone except the Assessors and the Clerk will leave the room while the Assessors make their decision;
- f) all parties will return to the room to hear the decision, which is also provided to the student in writing within 10 working days of the meeting;
- g) in deciding on the appeal, the Assessors may:
 - i) take into account any previous breaches of this Code by the student;
 - ii) set aside, change, or uphold the penalty imposed by the Head of School or other officer.

33.85 The decision of the Assessors is final and there is no further opportunity for appeal against that decision within the University.

Independent External Review

33.86 In accordance with the Further and Higher Education (Scotland) Act the Scottish Public Services Ombudsman (SPSO) has responsibility for investigating student complaints. This can include complaints about student conduct procedures. The SPSO provides a route for any student who has exhausted the conduct appeals procedures to refer their case for independent review.

The SPSO's contact details are:

Post: Freepost SPSO

Freephone: 0800 377 7330

Online contact: www.spsso.org.uk/contact-us

Website: <https://www.spsso.org.uk/>

Mobile site: <http://m.spsso.org.uk>

Records and Reports

Student Conduct Records

33.87 The Senate Office keeps records of student conduct meetings and hearings. These records are kept for at least six academic sessions after the incident under investigation, and for the remaining duration of the student's registration with the University, if this is longer.

33.88 Details of penalties imposed by the Assessors or the Committee are held confidentially in the Senate Office. Details of conduct outcomes, including penalties will be circulated to relevant University officers on a need to know basis. Subject to compliance with its obligations under applicable data protection legislation, the University may share information with respect to conduct outcomes, penalties, and the events giving rise to the relevant conduct procedure, to the police or other relevant third parties (by way of example only, applicable regulators and professional bodies) where it is deemed necessary by the University for reasons of public interest or safety or where it is obliged by law to do so. Details of conduct breaches or penalties will not be published on the student's degree transcript (Higher Education Achievement Report).

Reports to Senate

33.89 An Annual Report, stating the number and types of misconduct committed, and the outcomes, will be submitted to the Senate at its first meeting of each session. Senate will also receive an annual report on the cases of misconduct and appeals heard by the Conduct Committee which will be anonymised.