

## Academic Regulations: General Misconduct

### 1. Principles

- 1.1. We place great value in our culture of respect, inclusion, and mutual trust and expect you to conduct yourself in a way that upholds these values.
- 1.2. You are expected to abide by our rules and regulations by treating all members of the community with respect, including peers, staff, and visitors to the University and members of the local community. These Regulations apply to you from the point you accept an offer to study with us until you complete your course, both on and off-campus. This means that your behaviour off-campus and during vacations, weekends, evenings, on placements, and on field trips may be taken into consideration. It also means that behaviour in a social setting (for example in residences, or on social media) may have consequences whether or not it takes place during normal opening hours.
- 1.3. General Misconduct is any behaviour that falls short of our expectations of good conduct and can occur in many forms. In particular, we use the definitions of harassment and sexual misconduct as defined by the Office for Students:
  - A. Harassment:  
*(as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: i. age; ii. disability; iii. gender reassignment; iv. race; v. religion or belief; vi. sex; vii. sexual orientation.*
  - B. Sexual Misconduct:  
*All unwanted conduct of a sexual nature. This includes but is not limited to: i. sexual harassment (as defined by Section 26 (2) of the Equality Act 2010); ii. unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010); iii. assault (as defined by the Sexual Offences Act 2003); iv. rape (as defined by the Sexual Offences Act 2003); v. physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)2; vi. intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)3; vii. distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).*
- 1.4. We take reasonable steps to ensure the safety of our staff and students by:
  - a. Providing you with a safe environment to study (and as relevant live) in.
  - b. Making sure you understand our expectations of you as a learner, including the actions which will result in a disciplinary allegation and the likely penalties.
  - c. Having a clear and fair way to handle suspected misconduct. This includes making sure everyone involved in making a decision about your case is trained and has no conflict of interest.
- 1.5. Throughout this section of the Regulations, we refer to courses. However, our collaborative partners may use different terminology such as programmes. Schedule A details Collaborative Partners' exemptions.
- 1.6. As we have support services available to you, we do not accept personal circumstances such as mental health issues or disabilities to be used as an explanation for misconduct.

- 1.7. While we do not accept mental health issues or disabilities as an explanation for general misconduct, they may be taken into account when deciding whether to continue with an allegation; and/or processing your case, and/or setting a penalty. If you can demonstrate that your behaviour linked to an allegation of general misconduct is related to a disability, we may refer you to our support for (or fitness to) study process. We encourage early disclosure so that we can take your disability into account.
- 1.8. Identifying suspected misconduct will usually require an evidence-based judgment. This means that the evidence must relate to the specific type of misconduct that is alleged. We may investigate anonymous allegations of misconduct but may reduce the weight we attach to it.
- 1.9. To establish that misconduct has taken place, the evidence against you must meet the balance of probabilities. This means that it's more likely than not that you did what has been alleged.
- 1.10. We have the burden of proof. This means that it's for us to establish that you did what has been alleged. You will be given reasonable opportunities to explain your behaviour and, as relevant, present evidence in support of your explanation. For example, we will likely ask you for your statement, statements from other witnesses, or physical evidence such as video recordings or text messages.
- 1.11. We do not routinely record meetings that take place as part of a misconduct case. However, meetings are attended by a notetaker, and you will receive a copy of these notes. If you have agreed reasonable adjustments in place and require a meeting to be recorded, you must tell us at least three working days before any meeting. Where we decide to make an audio recording of a meeting, you will be provided with a copy of the recording for your own personal use.
- 1.12. Although we take a strict liability approach to misconduct, we can consider your intentions when we set a penalty. Strict liability means that if the case against you is established on a balance of probabilities, you will have committed misconduct whether your actions were planned, accidental or reckless.
- 1.13. You are required to read and understand these Regulations, including being familiar with any updates made during your studies.
- 1.14. At all times the application of these general misconduct regulations will meet the expectations of UK Data Protection law and General Data Protection Regulations. This means that sensitive personal information or 'Special Category Data' is kept confidential as far as possible and disclosed only to those investigating or deciding a case. We do not routinely disclose that you have been subject to a general misconduct investigation unless required to do so as part of a lawful request made by an authorised external agency or organisation.
- 1.15. We may suspend you at any point during the application of this section of the Regulations in accordance with the Short-Term Suspension Policy.
- 1.16. If an allegation we consider against you is also being considered by (for example) the police or relevant prosecution authority, we may pause our handling of the matter until the police and/or prosecution matter has been concluded.

## **2. Types of Misconduct**

- 2.1. General misconduct refers to actions or omissions which have the reasonable potential to cause harm; it's not necessary for harm to have been caused. This includes actions or omissions which obstruct or prevent the proper functioning of the University or impede

any member of the University from carrying out their studies or work. It also includes actions or omissions designed to mislead or defraud the University.

2.2. The following list offers examples of the types of behaviour which would be considered to be general misconduct and potentially result in disciplinary action under this section of the Regulations. The list is not exhaustive, and we may take disciplinary action in relation to behaviours not specifically listed below.

2.3. Direct or indirect harm (whether actual or threatened), including:

- a. Psychological or mental, e.g., bullying, harassment, discrimination including hate crime, stalking, gaslighting (this is acting in a way that manipulates another person to question their sanity), possession of a weapon or replica weapon.
- b. Physical including non-consensual touching, e.g., punching, kicking, slapping, forced consumption of drugs or alcohol.
- c. Financial, e.g., blackmail, theft, fraud, bribery, money laundering, coercive control.
- d. Hazing, e.g., using peer pressure to coerce another person into demeaning behaviour.
- e. Sexual violence including sexual harassment (see below).
- f. Recording others without their consent.
- g. Conduct which may (or does) bring the University into disrepute or damage its reputation.
- h. Conduct (intended or reckless) which impacts the University's ability to carry out its duties.
- i. Damage to, theft from or of, University property, including damage to, theft from or of the property of another member of the University.
- j. Misuse of University property.
- k. Any criminal offence.

2.4. Sexual violence and harassment include:

- Engaging (or attempting to engage) in a sexual act without consent (including where there is no reasonable capacity to consent), including kissing and/or sexual touching.
- Sharing, or threatening to share, sexual images or materials of another person without consent (revenge porn).
- Possession of unlawful images.
- Inappropriately showing sexual organs to another person.
- Making unwanted remarks of a sexual nature.

### **3. Responsibilities**

3.1. We will:

- a. Give you clear information about the standards of behaviour we expect of you, including how to avoid allegations of misconduct and the potential penalties that we can impose.
- b. Use relevant technology to confidentially collect and store evidence.
- c. Act promptly to inform you of an allegation once misconduct is suspected. This is usually within ten working days of an allegation being made.
- d. Communicate with you clearly including explaining the allegation(s) against you, the evidence we have, your rights, responsibilities, actions to take, and deadlines to meet.
- e. Give you the right to present information and/or evidence in support of your response to an allegation of misconduct.
- f. Give you the right to be accompanied at any meeting you are invited to that takes place related to an allegation of misconduct. The expectations of such companions are set out below in 3.2.
- g. Explain any decision we make, including (as relevant) why a particular penalty is being imposed.
- h. Explain to you what information is being kept on your student record, including prior allegations of misconduct and any warnings or penalties imposed. As sensitive

personal information, or 'Special Category Data', the information we keep about you in relation to misconduct is held confidentially and is disclosed to as few people as possible, and only to those involved in investigating or deciding the matter. We may share outcomes of your misconduct case where required by an authorised external body.

- i. Gather overall misconduct data for review including to inform future versions of these Regulations, to share with external agencies, and the British authorities.
- 3.2. Every student invited to a Misconduct Panel has the right to explain their actions and present information in support of their case. They may also bring a companion to support them at the panel, such as a friend, family member, or Student Union representative.
  - 3.3. We expect you to:
    - a. Be familiar with these Regulations, the standard of behaviour expected of you, and to take responsibility for your behaviour and actions.
    - b. Report to the Student Experience team any suspicions you have that misconduct has occurred.
    - c. Let us know as soon as possible if you require any reasonable adjustments to be made because of a disability to the way we process or handle your case under these Regulations. If required, you should provide evidence to support any request for reasonable adjustments that you have made.
    - d. Attend all meetings you are invited to in connection with the case against you.
    - e. Tell us in advance of all meetings the names and their relationship to you of your companion and any witness(es) you wish to call.
  - 3.4. You have the right to access our Student Union ([StudentUnion@Regents.ac.uk](mailto:StudentUnion@Regents.ac.uk)) for support and guidance at any stage of these Regulations.
  - 3.5. You are allowed to have one companion with you at any meeting you are invited in relations to an allegation of misconduct. Normally, your companion cannot be someone acting in a legal capacity. This is because these Regulations are clear and easy to follow, and we expect you to speak for yourself in any meeting. At our discretion, your companion may help you if you have trouble engaging. However, you are responsible for the conduct of your companion at all times. If your companion's conduct is abusive or threatening, they will be excluded from the meeting and all future meetings. In such cases, we may continue with the meeting or reschedule. If the meeting is rescheduled, we will expect you to identify a new companion.

#### 4. Identification and investigation

- 4.1. Within five working days of identifying suspected misconduct, the relevant member of staff will determine if there is evidence to support the allegation:
  - a. **Where there is evidence.** If there is sufficient evidence to support an allegation, the member of staff will submit to Registry a completed Suspected Misconduct form along with the supporting evidence and the relevant information provided to students about misconduct, including any warnings given to students ('Allegation Pack'). Within three working days of receipt of the Allegation Pack, Registry will write to you at your university email address to inform you of the allegation, provide a copy of the Allegation Pack and give you an opportunity to admit the allegation. If you admit the allegation, Registry will apply the appropriate penalty as in the recommended list below.
  - b. **Where an investigation is required.** Details of the suspected misconduct will be referred to the Registry with an explanation of reasons for the allegation and any supporting information that is available. Within three working days of receipt of the suspected misconduct information, Registry will write to you at your university email address to inform you of the allegation, inform you of the referral to an investigation, and give you five working days to admit the allegation. If you admit the allegation, Registry will apply the appropriate penalty as in the recommended list below. If you do not admit the allegation (or do not reply within the five working days), Registry will

identify a suitable member of staff within ten working days to act as investigating officer. Investigating officers will have no prior knowledge of the student or the case against them. This means that they will reach a recommendation based solely on the facts of the case and may want to meet with you as part of the process or ask for further information and/or evidence. You will be given five working days' notice of such investigation meetings. Once an investigating officer has been appointed investigations should take no longer than fifteen working days to conclude. However, if it seems likely that it will not be possible to conclude an investigation within fifteen working days, the investigating officer may ask the Senior Registry Officer or Deputy Head of Registry for additional time. It's recommended that the additional time does not exceed a further fifteen working days. Where additional time is granted, you will be informed. Once an investigation has concluded, the investigating officer will complete a Suspected Misconduct form setting out the decision they have reached, including a recommendation for action to take and submit this to the Registry.

## **5. Suspected Misconduct Form**

- 5.1. In all cases where misconduct is suspected, the relevant member of staff will submit to Registry a completed Suspected General Misconduct form along with the supporting evidence and the relevant information provided to students (either in the module or the course overall) about misconduct, including any warnings given to students ('Allegation Pack'). This is so that concerns about potential misconduct can be logged, and support provided to you to avoid further misconduct allegations. You will be given a copy of the Allegation Pack(s) completed about you.
- 5.2. Registry evaluates all Allegation Packs. This evaluation will consider whether any previous suspected misconduct has been highlighted. In cases where an investigating officer has made a recommendation for action, Registry will assess whether the action proposed is possible. For example, if an investigating officer recommends no further action, Registry may use records held about previous misconduct you have committed to set aside the investigating officer's recommendation. This evaluation will be completed within five working days from receipt of the Allegation Pack.
- 5.3. There are two possible outcomes from the evaluation:
  - a. **No further disciplinary action is required.** We will write to you confirming the outcome and providing you a copy of the Allegation Pack. We will refer you to resources to improve your conduct.
  - b. **Further disciplinary action is required.** We will write to you confirming that a Stage One Misconduct Panel will be held within fifteen working days. We will share with you the Allegation Pack to be considered by the Panel and invite you to share all evidence you have that supports your explanation of what happened. If you intend to bring anyone, you should let us know the name of your companion and their relationship to you, and any witnesses you would like to attend. We expect you to be available during the fifteen working day timeframe. Once the Stage One Panel has been arranged, you will be given at least three working days' notice of the date, time and location of the meeting. We will invite your witnesses to the meeting but cannot make them attend. If you cannot attend, we may choose to go ahead without you present. Lack of availability of your companion or any of your witnesses is not a valid reason for failing to attend.

## **6. Misconduct Panel (Stage One)**

- 6.1. The members of a Stage One Misconduct Panel are:
  - a. Three members of trained staff, one who will be identified as the Panel Chair.
  - b. An optional member of the Student Union.A member of Registry staff will be in attendance to clerk the meeting.
- 6.2. All Panel members (above) must confirm they have no known conflict with you and are free from bias in considering your case. This includes not being involved in the case at an earlier stage.

- 6.3. Panel meetings are conducted as follows:
- a. Private meeting of the Panel with Clerk in attendance.
  - b. Panel meeting with you, your companion, any witnesses that want to attend. Introductions will be made, and you will be asked to confirm that you have received the documentation and evidence being considered by the Panel.
  - c. The Panel will ask you to explain what happened.
  - d. The Panel will ask any questions they have.
  - e. The Panel Chair will check whether you have any further comments to make.
  - f. You, your companion, and any witnesses will be asked to leave the meeting.
  - g. The Panel will meet privately to determine whether the/each allegation against you is upheld.
    - (1) If no allegation is upheld, there will be no penalty. However, the Panel may decide to issue you a warning about future misconduct and direct you to resources to improve your conduct.
    - (2) If the allegation is upheld this means that the Panel has decided that, on a balance of probabilities, misconduct has occurred. The Panel will then determine a penalty to impose from those explained below.
    - (3) If the Panel expresses an intention to set a warning or penalty that has been previously applied to you, the Clerk will let the Panel know. At that point the Panel may then receive information about any prior misconduct cases, warnings, and penalties you have had.
  - h. You will receive by email the Panel decision within five working days of the meeting.

## **7. Misconduct Appeal (Stage Two)**

- 7.1. You have the right of appeal against the Stage One Misconduct Panel outcome. To be eligible to appeal the outcome, you must be able to demonstrate one or more of the grounds for appeal which are:
- a. That the procedures were not followed properly.
  - b. That the decision maker(s) reached an unreasonable decision.
  - c. That you have new material evidence that you were unable, for valid reasons, to provide earlier in the process.
  - d. That there was bias or reasonable perception of bias during the procedure.
  - e. That the penalty imposed was disproportionate, or not permitted under the Regulations.
- 7.2. Your appeal must be submitted within ten working days of receipt of the Stage One outcome using the Misconduct Appeal form online.
- 7.3. Within five working days of receipt of a Misconduct Appeal, a member of Registry staff not previously involved in the case will carry out an eligibility consideration. This eligibility consideration will determine whether you have been able to establish any of your selected appeal grounds. You only need to establish one appeal ground for your appeal to be allowed to continue. The potential outcomes of this eligibility consideration are:
- a. No ground(s) established. We will write to you within five working days to explain our decision and issue a Completion of Procedures Letter.
  - b. Grounds established. We will refer back to a Stage One Panel. The right of appeal against the new Stage One Panel remains.
  - c. Grounds established. A Misconduct Panel (Stage Two) will be arranged.

## **8. Misconduct Appeal Panel (Stage Two)**

- 8.1. A Misconduct Appeal Panel is a fresh and final opportunity to hear the matter. As such, the membership of the panel must not have been involved in the matter at the earlier stage. The membership of a Stage Two Misconduct Appeal Panel is:
- a. Three members of trained staff, one who will be identified as the Panel Chair.
  - b. An optional member of the Student Union.
- A member of Registry staff will be in attendance to clerk the meeting.

- 8.2. All Panel members (above) must confirm they have no known conflict with you and are free from bias in considering your case. This includes not being involved in the case at an earlier stage.
- 8.3. Panel meetings are conducted as follows:
- a. Private meeting of the Panel with Clerk in attendance.
  - b. Panel meeting with you, your companion, any witnesses that want to attend. Introductions will be made, and you will be asked to confirm that you have received the documentation and evidence being considered by the Panel.
  - c. The Panel will ask you to explain what happened.
  - d. The Panel will ask any questions they have.
  - e. The Panel Chair will check whether you have any further comments to make.
  - f. You, your companion, and any witnesses will be asked to leave the meeting.
  - g. The Panel will meet privately to determine whether the/each allegation against you is upheld.
    - (1) If no allegation is upheld, there will be no penalty. However, the Panel may decide to issue you a warning about future misconduct allegations and direct you to resources to improve your conduct.
    - (2) If the allegation is upheld this means that the Panel has decided that, on a balance of probabilities, misconduct has occurred. The Panel will then determine a penalty to impose from those explained below.
    - (3) If the Panel expresses an intention to set a warning or penalty that has been previously applied to you, the Clerk will let the Panel know. At that point the Panel may then receive information about any prior misconduct cases, warnings, and penalties you have had.
  - h. You will receive by email the Panel decision within ten working days of the meeting. The outcome of the Stage Two Misconduct Appeal Panel is final and will result in a Completion of Procedures Letter being issued.
- 8.4. Once you have completed the appeal stage you may be entitled to ask the Office of the Independent Adjudicator for Higher Education (OIA) as the independent ombuds service, to review your complaint about the outcome of your disciplinary case. Any complaint you make to the OIA must be submitted within twelve months of the date of the Completion of Procedures Letter. Further information is available at: [oiahe.org.uk](http://oiahe.org.uk)

## **9. Warnings and Penalties**

- 9.1. To ensure you are treated consistently and fairly in line with other students, we use the following warnings and penalties where appropriate. We do not consider a warning to be a penalty and can issue a warning at any time as an advisory note to you about acceptable conduct. For example, we will issue a warning where we find your conduct was questionable. We keep records of warnings issued. A Panel may impose any penalty it considers is reasonable and proportionate to the facts of the case.
- 9.2. Penalties usually increase with each upheld case. This means that we will consider prior warnings and misconduct outcomes against you when deciding the penalty in a current case.

Instance of general misconduct	Severity	Prior warning?	Recommended penalty/penalties (as applicable)	Recommended warning
First	Minor	N/A	A, B	First
First	Moderate	N/A	A, B, C	First
First	Major	N/A	A, B, C, D, F, G, H, I	Final
First	Severe	N/A	A, B, C, D, F, G, H, I, J, K, L	Final
Second	Minor	N/A	A, B, C, D, F, G, H	Final
Second	Moderate	N/A	A, B, C, D, F, G, H, I	Final
Second	Major	N/A	A, B, C, E, F, G, H, I, J, K, L	Final
Second	Severe	No	A, B, C, E, F, G, H, I, J, L, M	Final

Ref	Penalty
A.	Apology
B.	Behavioural Action Plan
C.	Payment to cover damages/stolen/lost property
D.	Payment of a fine of up to £150
E.	Payment of a fine of up to £500
F.	Restriction on accessing certain areas of campus at specified times or without advising Security in advance
G.	Restriction on attending extra-curricular activities (e.g., Student Union functions)
H.	Restriction on attending off-campus activities (e.g., field trips)
I.	Removal from University Accommodation for up to one academic year
J.	Required to attend training (internal or external) in relation to the misconduct type
K.	Required to take an Interruption of Studies for up to one academic year
L.	Withdrawal with academic credit achieved. Ineligible for return within 5 academic years
M.	Withdrawal without academic credit achieved. Ineligible for return within 5 academic years



## **10. Schedule A**

These Academic Regulations (set out above) apply to Regent's University London provision delivered directly at Regent's University London or through our Collaborative Partners except as detailed below:

### **Domus Academy**

10.1. TBC

### **Istituto Marangoni (London)**

10.2. TBC

### **Istituto Marangoni (Paris)**

10.3. TBC

### **MACROMEDIA**

10.4. TBC