

## ORDINANCE 17

### CODE OF STUDENT DISCIPLINE

#### DEFINITIONS

In this Code:

'**day**' means a working day and excludes weekend days, public holidays and other days during which the offices of the University are not open for business.

'**misconduct**' is as defined below.

'**suspension of registration**' means the total prohibition on attendance at or access to the University or its facilities (including electronic facilities) and on any participation in an activity of the University; but it may be subject to qualification, such as permission to attend for the purposes of an examination and/or take an assessment.

'**termination of registration**' means expulsion from the University.

'**University premises**' means the Senate House and Stewart House (including the surrounding land owned by the University), and the premises occupied by the Central Academic Bodies and Central Activities<sup>1</sup>, including sporting activities, and any educational institution or facility at which the Student is properly present in connection with a course of study or by virtue of status at the University. 'University premises' do not include premises occupied by Member Institutions or third party teaching institutions which offer independent tuition. If any doubt arises about the meaning of 'University premises' as those to which this Code applies, the Vice-Chancellor shall resolve the matter and the Vice-Chancellor's decision shall be final.

'**staff of the University**' for the purposes of this code includes any personnel involved in the delivery of an activity of the University of London, including examination invigilators.

'**Director of Compliance**' means Director of Compliance and Secretary to the Board.

#### PERSONS TO WHOM THE CODE APPLIES

1. This Code is applicable to every Student registered as a student with the University itself and any Student registered with a Member Institution who is using a Central Activity.

#### PURPOSE

2. This Code of Student Discipline (referred to as the Code) is made by the Board of Trustees and its purpose is to provide for the determination of an allegation of an offence of misconduct against a Student.

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<sup>1</sup> 'Central Academic Body' means an educational, academic or research institution established in accordance with Statute 17.1.

'Central Activities' means those activities, operations and services which the University carries out and provides centrally for the benefit of the Member Institutions and of Students registered with the University itself, including assessments conducted at examination centres on behalf of University of London Worldwide.

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### MISCONDUCT WHICH MAY BE SUBJECT TO PROCEEDINGS UNDER THIS CODE

3. Misconduct which may be subject to proceedings and penalties under this Code is improper interference in its broadest sense with the proper functioning or work of the University, or activity which otherwise damages or is likely to damage the University.
4. The following paragraphs elaborate this general principle but not so as to derogate from its generality.
5. For the conduct in question to be characterised as misconduct, it must be shown to fall within the general definition in paragraph 3. It is open to a Student facing an allegation of misconduct to argue that the conduct in question, whether or not falling within one or more of the following paragraphs, should not be treated as misconduct because it does not interfere or damage in the manner contemplated by paragraph 3.
6. The following shall (subject to paragraphs 3 to 5 above) constitute misconduct:
  - 6.1 disruption of, or improper interference with, the academic, administrative, social or other activities of the University, whether on University premises or elsewhere, including electronic domains such as, but not limited to, Virtual Learning Environments and the University's social media channels;
  - 6.2 obstruction of, or improper interference with, the functions, duties or activities of any Student, member of staff of the University or any visitor to the University;
  - 6.3 violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in any writing, sign or other visible representation including electronically) whilst on University premises, engaged in any University activity, or in an online environment of the University;
  - 6.4 cyber crime including any criminal or illegal act dealing with computers and networks, such as hacking, phishing and any similar or new forms of misuse of the internet, and any traditional crimes or illegal acts conducted through the internet, such as hate crimes, telemarketing and internet fraud, identity theft, and credit card account thefts.
  - 6.5 distributing or publishing a poster, notice, sign or any publication, in any format, including written or electronic which is threatening, abusive, insulting, deliberately inaccurate or constitutes harassment, makes others fear violence or is otherwise illegal and falls under the jurisdiction of UK law;
  - 6.6 fraud, deceit, deception or dishonesty in relation to the University or its staff or Students, or in connection with holding any office in the University, or in relation to being a Student of the University;
  - 6.7 action likely to cause injury or impair safety on University premises, or whilst engaged in an activity of the University;
  - 6.8 harassment of any Student or employee of the University on any grounds, and discrimination on any of the grounds set out in paragraph 6 of Ordinance 21;
  - 6.9 assessment offences as defined under the regulations of the relevant Central Academic Body;
  - 6.10 breach of any rule or code or regulation which provides for breaches to constitute misconduct under this Code;

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- 6.11 damage to, or defacement of, University premises, or the property of members of the University - including members of Member Institutions - caused intentionally or recklessly, and/or misappropriation of such property;
  - 6.12 misuse or unauthorised use of University premises or items of property, including computer misuse;
  - 6.13 conduct which constitutes a criminal offence (whether or not it leads to a conviction) where that conduct or offence:
    - 6.13.1 took place on University premises, or
    - 6.13.2 in an online environment of the University, or
    - 6.13.3 affected or concerned other members of the University community, or
    - 6.13.4 damages the good name of the University, or
    - 6.13.5 itself constitutes misconduct within the terms of this Code, or
    - 6.13.6 is an offence of dishonesty, where the Student holds an office of responsibility in the University; or
    - 6.13.7 is such as might render the Student unfit to practise any particular profession or calling to which that student's course leads directly;
  - 6.14 behaviour which brings or is likely to bring the University into disrepute;
  - 6.15 failure to disclose name and other relevant personal details to staff of the University, or personnel conducting an activity of the University, in circumstances when it is reasonable to require that such information be given;
  - 6.16 notwithstanding paragraph 3, where a Student is enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling, any conduct which might render that person not fit to be admitted to and practise that profession or calling<sup>2</sup>;
  - 6.17 failure to comply with a previously imposed penalty under this Code.
7. Misconduct need not take place on University premises to be considered under this Code.
8. The Board of Trustees, in making this Code:
- 8.1 authorises the Vice-Chancellor to delegate his or her powers and duties under this Code to the Deputy Vice-Chancellor either generally or in respect of a particular case; and
  - 8.2 authorises the Director of Compliance to delegate his or her powers and duties under this Code (a) in the case of allegations against Students of Central Academic Bodies to the Dean, or an appropriate senior officer, of the appropriate Central Academic Body either generally or in respect of a particular

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<sup>2</sup> The courses meant by this paragraph include without limitation undergraduate courses in medicine, dentistry and pharmacy.

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case; and (b) in the case of other Students of the University, to an appropriate senior officer of the University.

### **ALLEGATIONS OF MISCONDUCT**

9. Allegations of an offence of misconduct by a Student may be made in writing to the Director of Compliance. The Director of Compliance or such other person he or she may designate shall make any enquiries that are appropriate.
10. If the allegation of misconduct made against the Student is, has been or could be subject to proceedings under a code of discipline made by another authority (e.g. a Member Institution) in respect of the same alleged offence, the Director of Compliance shall decide whether or not separate proceedings under this Code should be pursued, and, if proceedings should be pursued, when they should commence. The Director of Compliance should consult the other authority before reaching a decision.
11. If the allegation of misconduct is solely concerned with alleged examination or assessment offences the matter shall normally be dealt with under the applicable regulations.
12. The Director of Compliance may call for further information and unless the matter is dismissed at that point will arrange for the Student to receive a copy of this Code and either hold a preliminary interview, or enter into correspondence with the Student. The Director of Compliance may:
  - 12.1 dismiss the allegation, in which case the matter shall be terminated;
  - 12.2 rule that no further action be taken, but such a ruling shall not preclude informal action such as issuing a caution or warning;
  - 12.3 refer the matter back for local determination;
  - 12.4 conduct a hearing of the allegation as provided below; or
  - 12.5 refer the allegation for hearing by a Disciplinary Committee.
13. The Director of Compliance shall notify his/her decision to the Student and to the person who made the allegation, either orally (in which case it shall be confirmed in writing), or in writing within three days. The written communication shall set out: the alleged offence, the decision, the reasons for the decision if the allegation is dismissed or if no further action is to be taken, and any action to be taken as a result of the decision.

### **HEARING BY THE DIRECTOR OF COMPLIANCE**

14. The Director of Compliance shall, by consideration of the circumstances of each case, determine whether the hearing should be conducted in person, by telephone, by other reasonable electronic means, or by correspondence. A hearing by the Director of Compliance, where the student is present, either physically or by electronic means, shall normally be conducted in private.
15. The Student shall be given written notice in advance of the hearing, together with a copy of this Code and any evidence produced. The Director of Compliance and the Student shall inform each other of the names of any parties either proposes to seek submissions from.

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16. The following applies to hearings conducted in person, or in real time by electronic means. A hearing conducted by correspondence will instead require the named parties to make equivalent submissions in writing, if appropriate:
  - 16.1 the Student may be assisted or represented by any member of the University;
  - 16.2 the Director of Compliance shall give the Student any further evidence produced since notice of the allegation was given, and provide an opportunity for the Student to answer the allegation, and to question any witnesses who appear in person;
  - 16.3 the Student may request that witnesses be called, in which case the Director of Compliance may question them; and
  - 16.4 at any time, the Director of Compliance may terminate the proceedings and refer the allegation for hearing by a Disciplinary Committee, in which case the Director of Compliance may suspend the Student from attendance at the University, or impose any restrictions as specified in paragraph 16 pending the hearing of the allegation by the Disciplinary Committee.
  
17. Following a hearing, the Director of Compliance may:
  - 17.1 dismiss the allegation, in which case the matter shall be terminated; or
  - 17.2 refer the matter back for local determination; or
  - 17.3 find the allegation proved, in which case the Director of Compliance may impose one or more of the following penalties:
    - 17.3.1 a warning;
    - 17.3.2 a fine not exceeding £250;
    - 17.3.3 compensation in respect of damage to property or injury to be paid by the Student not exceeding £500. The compensation is to be paid to the University or to the owner or possessor of the property damaged or to the person injured, as the Director of Compliance shall decide;
    - 1673.4 prohibition from holding any office, or a particular office, including committee membership, in any body or society in the University permanently or for a set period;
    - 17.3.5 exclusion from prescribed University facilities (including libraries and electronic domains and services, including but not limited to Virtual Learning Environments) for a period of no more than six calendar months, such facilities to be prescribed by the Director of Compliance, but not including attendance at lectures, classes, tutorials, other activities immediately connected with the Student's programme of study such as withholding of learning materials;
    - 17.3.6 that the candidate not be permitted to enter or re-enter for a particular examination or assessment, or for all examinations or assessments in a particular session, as designated by the Director of Compliance, for a set period;
    - 17.3.7 suspension of registration for a period of not more than three calendar months.

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18. In fixing any financial penalties, the Director of Compliance shall have regard to the means of the Student and may allow time to discharge the penalty or order the sum to be paid in prescribed instalments.
19. The Student shall also have the right to make representations in explanation or mitigation of the penalty.
20. The Director of Compliance shall give a decision to the Student either orally (in which case it shall be confirmed in writing), or in writing within three days. The written communication to the Student shall set out: the offence, the decision, the reasons for the decision and any penalty.

### **DISCIPLINARY COMMITTEE: CONSTITUTION**

21. The Vice-Chancellor shall appoint a Disciplinary Committee, which will be chaired by a senior member of staff of the University or the Member Institutions. The Disciplinary Committee will comprise of two further senior members of staff of the University or the Member Institutions, at least one of whom will be an academic member of staff, and a student member. The Vice-Chancellor shall also appoint the Secretary to the Disciplinary Committee.
22. No person who has close personal or professional connections with the Student due to appear before the Disciplinary Committee, or with the alleged offence or the complainant, shall be eligible for appointment to the Disciplinary Committee.
23. The absence of one of the staff members of the Disciplinary Committee or the student member shall not invalidate the hearing. If, between the time of the appointments to the Disciplinary Committee and the date of the hearing, the Chair learns that one or more of the other members will not be able to attend or is not eligible to be a member, the Vice-Chancellor shall be empowered to appoint other members in the same way in their place.

### **HEARING BY THE DISCIPLINARY COMMITTEE**

24. The following applies to hearings conducted with the student present, either in person or in real time by electronic means. A hearing where the student is not present will instead require equivalent submissions to be made in writing, in line with the timeframes described in paragraph 25.
25. The Disciplinary Committee shall meet as soon as is reasonably practicable to consider an allegation referred to it. At least 10 days before the date for the hearing, the Secretary shall send the Student a copy of this Code, together with copies of all relevant documents to be presented at the hearing. At least three days before the date of the hearing, the Student shall inform the Secretary of any documents that the Student intends to rely on at the hearing and shall provide copies of them to the secretary at least three days before the hearing. The Chair has discretion to allow the Student additional time in which to produce documents, but there shall be no appeal from a refusal to allow additional time. The Director of Compliance and the Student shall, at least three days before the hearing, inform each other of the names of any witnesses either proposes to call.
26. The hearing shall be held in private. During the hearing:
  - 26.1 the Student may be assisted or represented by any member of the University;

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- 26.2 the allegation shall be presented to the Disciplinary Committee by the Director of Compliance or such other person as he/she may designate;
  - 26.3 the Director of Compliance may call as witnesses persons who can give relevant evidence. The Student or the student's representative may question the witnesses and, if so, the Director of Compliance may ask further questions;
  - 26.4 the Student or the Student's representative may call as witnesses persons who can give relevant evidence. The Director of Compliance may question the witnesses, and if so, the Student or the Student's representative may ask further questions;
  - 26.5 if a witness is likely to be in distress, the Disciplinary Committee may permit the witness to be accompanied by any person, but that person shall not participate in the proceedings in any way;
  - 26.6 the Director of Compliance may question the Student; the Student and the Student's representative may question the Director of Compliance;
  - 26.7 the Student or the Student's representative may address the Disciplinary Committee;
  - 26.8 prior to making its decision, the Disciplinary Committee shall give the Student the opportunity to make representations in mitigation of any penalty which may be imposed if the allegation is upheld;
  - 26.9 the Secretary shall record the decision of the Disciplinary Committee; and
  - 26.10 any matter with regard to the hearing of these proceedings not covered by this Code shall be decided by the Disciplinary Committee, whose decision shall be final.
27. After the hearing, the Disciplinary Committee shall give its decision to the Student and to the Director of Compliance either orally (in which case it shall be confirmed in writing), or in writing within five days. The written communication to the Student shall set out the offence, the decision and the reasons for the decision and any penalty imposed.
  28. On finding an allegation of an offence of misconduct proved, the Disciplinary Committee may impose one or more of the following penalties:
    - 28.1 warning;
    - 28.2 fine of not more than a maximum amount to be determined by the Board of Trustees from time to time<sup>3</sup>;
    - 28.3 payment of compensation in whole or part in respect of damage to property or injury to the person. The compensation shall be paid to the University, or to the owner or possessor of the property damaged, or to the person injured, as the Disciplinary Committee shall decide;
    - 28.4 prohibition on holding any office, or any particular office, including committee membership in any body or society in the University;

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<sup>3</sup> Until revised by the Board of Trustees the maximum fine for a single offence shall be £1,000.

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- 28.5 exclusion from prescribed University premises or facilities (including libraries and electronic domains and services, including but not limited to Virtual Learning Environments) for a period of up to one year, such facilities to be prescribed by the Disciplinary Committee, but not including exclusion from attendance at lectures, classes, tutorials, withholding of learning materials, or other activities immediately connected with the Student's course of study;
- 28.6 that the candidate not be permitted to enter or re-enter for a particular examination or assessment, or for all examinations or assessments in a particular session, as designated by the Disciplinary Committee, for a set period;
- 28.7 that, following satisfactory completion of the conditions for the award, no degree/diploma/certificate be awarded to the candidate before the expiry of a stated period of time;
- 28.8 suspension of registration for a period of up to one year;
- and
- 28.9 termination of registration.
29. Before deciding the penalty to be awarded, account shall be taken of the effect on the Student's ability and eligibility to take an examination and any measures taken pending hearing (such as suspension or exclusion).
30. In fixing any financial penalties, the Disciplinary Committee shall have regard to the means of the Student and may allow time to discharge the penalty, or order the sum to be paid in prescribed instalments.
31. The penalty or penalties may take immediate effect or come into effect at some future date or after some stated future event (e.g. any further offence).
32. In imposing a penalty on a student pursuing a course leading to professional practice, the Disciplinary Committee shall, if appropriate, have regard to the relevance of the misconduct in relation to the Student's fitness to be professionally registered and may in this connection seek appropriate advice.
33. A Student who has had their registration terminated shall be required to vacate any University-owned or administered residential accommodation.

## APPEALS

34. A Student against whom an allegation of misconduct has been upheld may appeal in writing, addressed to the Vice-Chancellor, within seven days of the date of the written notification of the decision, on one or more of the following grounds which shall be specified in the letter of appeal:
- 34.1 that the penalty imposed was not available under the provisions of this Code;
- 34.2 if, after a hearing by the Director of Compliance, a penalty has been imposed which is listed in sub-paragraphs 17.3.2 – 17.3.7, or after a hearing by the Disciplinary Committee a penalty has been imposed which is listed in sub-paragraphs 28.2 – 28.9, that the penalty was excessive and/or inappropriate<sup>4</sup>;

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<sup>4</sup> This ground of appeal is not available in the case of financial penalties of £50 or less.

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34.3 if the Disciplinary Committee has imposed a penalty listed in sub-paragraphs 28.4 – 28.9:

34.3.1 that there was a procedural irregularity or a failure to observe the provisions of this Code in the hearing before the Disciplinary Committee<sup>5</sup>; or

34.3.2 that the conclusions of the Disciplinary Committee cannot, having regard to the evidence adduced, be reasonably sustained<sup>6</sup>.

35. The Appeal Hearing shall be held as soon as is reasonably practicable and normally not more than four weeks from the receipt of the notice by the Vice-Chancellor of the Student's intention to appeal.

### **APPEAL HEARING BY VICE CHANCELLOR**

36. The following applies to hearings conducted in person, or in real time by electronic means. A hearing conducted by correspondence will instead require equivalent submissions to be made in writing;

37. The hearing shall be held in private. It shall be limited to the grounds stated in the Student's letter of appeal, and shall not take the form of a re-hearing of the original allegation. During the hearing:

37.1 the Student may be assisted or represented by any member of the University;

37.2 the Vice-Chancellor shall have before him/her, copies of all papers which were before the Director of Compliance or the Disciplinary Committee; including the written statement sent to the Student of the offence, the decision, the reasons for the decision and the penalty;

37.3 neither party shall be entitled to submit fresh evidence except to establish matters of fact. Where such new evidence has become available since the hearing before the Director of Compliance or the Disciplinary Committee, the Vice-Chancellor may receive such evidence if he/she is satisfied that there is reasonable explanation for the failure to advance such evidence before the Director of Compliance or the Disciplinary Committee. If such new evidence is admitted, it shall be treated in the same procedural manner as evidence presented to the Director of Compliance or the Disciplinary Committee and the Vice-Chancellor may call witnesses in relation to that new evidence. The Vice-Chancellor may also call the Director of Compliance or the Chair of the Disciplinary Committee as a witness. The University representative and the Student's representative presenting the case to the Vice-Chancellor shall be notified in advance of the hearing of any new evidence and witnesses to be called;

37.4 where additional evidence is allowed, and there are circumstances in which a witness is likely to be in distress, the Vice-Chancellor may permit the witness to be accompanied by any person, who shall not participate in the proceedings in any way;

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<sup>5</sup> It shall be for the Vice-Chancellor to determine whether any irregularity or failure to observe the provisions of the Code brings into question the decision of the original hearing.

<sup>6</sup> Fresh evidence may be advanced in support of an appeal only where it could not reasonably have been made available at the time of the original hearing.

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- 37.5 the Student or the Student's representative may address the Vice-Chancellor;
- 37.6 the Secretary to the hearing shall record the decision of the Vice-Chancellor; and
- 37.7 any matter with regard to the hearing of these proceedings not covered by this Code shall be decided by the Vice-Chancellor, whose decision shall be final. The Vice-Chancellor may request the attendance of a person with legal or judicial experience to advise on procedure.
38. The Vice-Chancellor may dismiss or allow the appeal in whole or in part, or substitute such other finding of misconduct as he/she sees fit, or may vary the penalty, but may not impose a penalty of greater severity (in the opinion of the Vice-Chancellor) than that originally imposed.
39. At the end of the hearing, the Vice-Chancellor shall within five days communicate his/her decision to the Student and to the Director of Compliance either orally (in which case it shall be confirmed in writing) or in writing. The communication shall state the offence, the decision and penalty appealed from, the decision of the Vice-Chancellor, the reasons for the decision and any penalty.
40. The decision of the Vice-Chancellor is final.

### **RE-ADMISSION AFTER TERMINATION OF REGISTRATION**

41. No Student who has had their registration terminated following proceedings under this Code shall be re-admitted at any time, save with the express permission of the Board of Trustees.

### **REPORTS TO THE BOARD OF TRUSTEES**

42. Decisions of the Director of Compliance, the Disciplinary Committee and the Vice-Chancellor under this Code, shall be reported to the Board of Trustees as Reserved areas of business.

### **INTERPRETATION**

43. Unless the contrary appears from the context, reference to a specific office holder where such office holder is unable to act, or is prevented from acting by the terms of the Code, shall include reference to a nominee, a deputy, or to the person acting in the office.

### **THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION**

44. The Procedure detailed above completes the University's consideration of the matter. Attention is, however, drawn to the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE provides an independent scheme for the review of student complaints about a final decision of a University's disciplinary or appeal body. Full details of the OIAHE and how to make a complaint are available on the website of the OIAHE <http://oiahe.org.uk>. The postal address is: Office of the Independent Adjudicator for Higher Education, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB. Telephone: 01189 599813.

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## **ORDINANCE 17 ANNEX 1**

### **POLICY IN RESPECT OF OFFENCES THAT ARE ALSO CRIMINAL OFFENCES**

#### **REPORTING CRIMINAL OFFENCES TO THE POLICE**

1. In taking a decision about whether or not an alleged offence by a Student should also be reported to the police, staff shall be guided by this section and any further guidance which the Vice-Chancellor may issue from time to time.
2. In the case of an alleged offence which would constitute a serious offence under the criminal law the alleged offence should normally be reported to the police. Such offences include those that would, in accordance with the decisions of the Sentencing Guidelines Council, attract a custodial sentence or a community penalty on conviction, and those (in England and Wales) that are triable only on indictment in the Crown Court.
3. Less serious offences may be reported to the police at the University's discretion.
4. Where there is a victim of an offence, the victim must be encouraged to report the matter to the police. Any person may report the offence on their behalf with their consent, but if the victim declines to report it, or will not permit it to be reported, a member of staff of the University shall only in exceptional circumstances make a report against that person's wishes. Exceptional circumstances include the possibility of the alleged victim or others being exposed to risk if the matter is not reported or if there have been similar allegations in the past or if an assault was so serious that the victim is unable to make a decision.
5. Referrals to the police by officers of the University must be reported immediately to the Vice-Chancellor.

#### **DISCIPLINARY PROCEEDINGS**

6. In the case of serious offences under the criminal law, no action (other than suspension of registration as defined in this Ordinance) may be taken unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time a decision will be taken on whether disciplinary action should continue or be taken.
7. Where the offence under the criminal law is judged to be not serious, disciplinary action may continue, but may be deferred pending police investigation or prosecution.
8. The following procedures apply where the alleged offence (whether or not it constitutes misconduct) would also constitute an offence under the criminal law if proved in a court of law:
  - 8.1 the University may impose a penalty upon a Student in respect of an offence (whether or not it constitutes misconduct) even if that offence has already been the subject of criminal prosecution and penalty; where the offence is found to have been committed, and the Student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty the University may impose; and
  - 8.2 when action is taken following a conviction that amounts to misconduct, the conviction shall be taken as evidence of the misconduct and shall be open to challenge only to the extent that the Student disputes that he or she was the person convicted.

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9. A Student acquitted in a criminal court may not be the subject of an allegation of misconduct which is in substance the same as the alleged offence of which he or she has been acquitted. A claim that the alleged offence took place at the same time as, or was otherwise connected with, the alleged criminal offence shall not preclude disciplinary proceedings.

1 August 2008

## ORDINANCE 17 ANNEX 2

### ACTION BY THE UNIVERSITY PENDING A HEARING

1. A Student who is the subject of an allegation of misconduct or against whom a criminal charge is pending or who is the subject of police investigation may be suspended or excluded by the Director of Compliance pending disciplinary action or the verdict of a court, or the Student's examination or assessment results may be withheld (subject to the provisions of the Data Protection Act and to the extent permitted by law). Suspension shall be used only where exclusion would be inadequate. Where the Director of Compliance has delegated the power under this section, a full report shall be made as soon as possible to the Director of Compliance of any suspension or exclusion under this section.
2. 'Suspension and exclusion' under this Code mean suspension and exclusion from the University with the effect that participation in academic activities connected with the Student's course is prevented or curtailed as follows:
  - 2.1 Suspension involves the total prohibition on attendance at or access to the University and on any participation in activity of the University; but it may be subject to qualification, such as permission to attend for the purposes of an examination or assessment.
  - 2.2 Exclusion involves selective restriction on attendance at or access to the University or prohibition on exercising the functions or duties of any office or committee membership in the University, the exact details to be specified in writing.
3. An order of suspension or exclusion may include a requirement that the Student should have no contact of any kind with a named person or persons.
4. Suspension or exclusion pending a hearing shall not be used as a penalty. The power to suspend or exclude under this provision is to protect the members of the University community in general or a particular member or members and the power shall be used only where the Director of Compliance is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision shall be recorded and made available to the Student.
5. No Student shall be suspended or excluded unless the Student has been given an opportunity to make representations in person to the Director of Compliance. Where for any reason it appears to the Director of Compliance that it is not possible for the Student to attend in person, the student shall be entitled to make written representations.
6. In cases of great urgency, the Director of Compliance is empowered to suspend a student with immediate effect, provided that the opportunities mentioned in the preceding paragraph are given and the matter reviewed within five days.
7. A decision to suspend, or exclude from academic activities associated with the Student's programme of study shall be subject to review at the request of the student, where it has continued for four weeks. Such a review will not involve a hearing or submissions made in person, but the Student shall be entitled to submit written representations. The review will be conducted by the Director of Compliance where the decision to suspend or exclude was made by someone else, and by the Vice-Chancellor where the decision was made by the Director of Compliance.
8. The Director of Compliance or other person who took the original decision shall review the suspension or exclusion every four weeks in the light of any developments and of any representations made by the Student or anyone else on their behalf.

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## ORDINANCE 17 ANNEX 3

### **RULES GOVERNING POSTERS, NOTICES, TEMPORARY SIGNS, THE DISTRIBUTION OF LITERATURE AND COMMUNICATIONS**

1. Any person wishing to display a poster, notice or temporary sign within the grounds of the University must use the notice boards which are provided. If a person, office or organisation is designated as responsible for the notice board, permission must first be obtained from them before using that notice board. Except for official University and departmental notices for which no permission is needed, permission to display will normally be granted only to Students representing recognised University groups, societies or other organisations.
2. Display on doors, walls and other surfaces will normally be restricted to safety or emergency notices. If the display of other material is permitted or tolerated it must not detract from or obscure those notices, or obscure windows, or transparent panels in doors.
3. Permission must be obtained before displaying loose material, such as booklets and pamphlets; permission may not be granted if there is no suitable place for display.
4. Display material should normally be presented in the English language and must be easily removable without cost or damage.
5. All material on display, whether single-sheets, pamphlets or booklets, must contain the name of the individual or group responsible for its promulgation and in the case of a group, the name and address of a member or officer who takes personal responsibility for the display.
6. Except when agreed in advance, material displayed in, on, or fixed to, University premises becomes the property of the University, and the University reserves the right for its officers to remove and dispose of it without warning. In addition to the remedies set out in Paragraph 7 of this Annex, material displayed in contravention of these rules may be removed, and those responsible for the display may be required to pay for the cost of removal and any repairs to surfaces, or (at the discretion of the University) for storage until disposal or collection.
7. The following may result in disciplinary action, and may be treated as misconduct: breaches of these rules; concealment or unauthorised removal of, or tampering with, official or authorised notices; circulation of, or sending, a poster, notice, sign or any other publication or communication<sup>7</sup> which is offensive, intimidating, threatening, indecent, or illegal or is circulated or sent with the intention of making others fearful, anxious or apprehensive, or which has that effect.

1 August 2008

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<sup>7</sup> Including electronic publications, and electronic and telephonic communications and their message services such as e-mail and voice-mail.