
The University's Academic Regulations: 2024-25

Student Conduct Regulations 2024-25

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General Overview

SC1 Introduction

- SC1.1** The Student Conduct Regulations set and maintain acceptable standards of behaviour within the University community, to encourage individuals to accept their obligations to the University community, to protect the rights of members of that community to participate freely in the educational purposes of the University and to help maintain the University's good name and standing.
- SC1.2** The purpose of these regulations is to ensure that all matters relating to the non-academic misconduct allegations made against students are dealt with fairly and consistently. Any allegations relating to a student appearing to be seeking to gain an unfair academic advantage are considered to be academic misconduct and these are addressed via the University's [Academic Integrity Regulations](#).
- SC1.3** Allegations considered in line with these regulations may be made by staff, students or members of the public (who need not have been personally and/or adversely affected by the alleged breach) and should normally be received by the University in writing. However, the University will consider allegations of misconduct of any nature from any source. We may deem it necessary to request signature or proof of identity in relation to anyone making allegations.
- SC1.4** These Regulations apply to all students registered at the University.
- SC1.5** It should be noted that where a finding of a breach of these Regulations has

been made it may, in certain professional settings, affect the student's fitness to practice resulting in the University being unable to certify this and may lead to exclusion from membership of requisite professional bodies. In such circumstances, the University will invoke the [Fitness to Practise Regulations](#). If a student is studying a programme where there is a requirement for them to be fit to practise and clear and conclusive circumstances are identified meaning they cannot achieve the outcomes of their programme – for example a criminal conviction or as a result of a PVG Disclosure Scotland check – the Dean of School may withdraw them from the programme with immediate effect subject to ratification by a member of University Leadership Team.

- SC1.6** The principles of these regulations apply to all students irrespective of their location of study. It may be necessary to vary procedure for research students, students on placements or for students undertaking programmes delivered online or overseas.
- SC1.7** These Regulations do not preclude the possibility of the University having recourse to the police and the criminal courts where necessary.
- SC1.8** References to days throughout these Regulations shall mean working days (i.e. Monday to Friday) except where expressly stated otherwise.

SC2 Key Principles

The application of these Regulations relies on the following key principles:

- SC2.1** Cases will be addressed promptly and resolved quickly and efficiently at the level of the University appropriate to the nature of the offence.
- SC2.2** Each case will be handled fairly and equitably with due regard to the individual circumstances of each case. Where a student is enrolled on a programme of study delivered online or overseas the use of remote communication methods, usually MS Teams, will be considered.
- SC2.3** Students shall have the right of appeal against the finding and/or penalty of their case providing they meet the grounds for appeal stipulated in these Regulations.
- SC2.4** Any issues relating to pastoral care and welfare that arise while addressing a student disciplinary matter will be handled with sensitivity and due regard to confidentiality. Staff engaged with disciplinary matters should be aware of the University's Data Protection Code of Practice with particular attention paid to Section 8 (Data Sharing) and Section 19 (References).
- SC2.5** Penalties imposed as a result of conduct issues being referred for action under the terms of these regulations will only be overridden by Extenuating Circumstances procedures in exceptional cases.
- SC2.6** A student shall be entitled to be accompanied by a person who can provide support and, where applicable, guidance to the student concerned at investigation meetings or hearings. That person should be a member of the

Edinburgh Napier University 'community', i.e. a member of University staff, an office bearer or member of staff from the Edinburgh Napier Students' Association (ENSA), a member of staff from the ENSA Advice service or another student. Any 'accompanying' person or representative must not have been involved in the incident under investigation.

- SC2.7** Attendees of meetings held at the earlier stages of the investigation process will not be present without good reason. An appropriate level of attendance is no more than two members of staff plus the student concerned and the person they have chosen to accompany them, though it is noted that some cases may require further attendees. Should additional attendees be required, there will be consideration regarding whether attendance at the meeting could be staggered.
- SC2.8** Audio/video recording of meetings/hearings associated with these regulations will generally not be permitted. Requests of this nature will be considered where required as a reasonable adjustment pending consideration of an appropriate disability assessment. Regarding requests related to recording, any decision taken will involve input from the Disability Inclusion team and/or the Information Governance team where appropriate. Covert recording and any unauthorised sharing or distribution of recordings may be considered misconduct matters in their own right.
- SC2.9** Individuals will be provided a written record of any formal investigation meetings they attend.
- SC2.10** All allegations received will be treated confidentially. Each will be investigated informally in the first instance to establish if there is a case to answer before any formal investigation is started.

- SC2.11** All records documenting the conduct and findings of disciplinary proceedings against individual students will be retained until the last action on the case, plus six years, has elapsed.
- SC2.12** Where action within these regulations is required by a senior member of staff, such as the Principal and Vice Chancellor or a member of University Leadership Team, a nominee may act on their behalf should the incumbent post holder be unavailable or elect to delegate responsibility.
- SC2.13** Judgements by individuals and committees in relation to any matter considered in line with these regulations will be made based on the balance of probabilities i.e. whether or not their view is that what is alleged is more likely to have occurred than not to have occurred. There is no requirement to adhere to the criminal court standard of proven beyond any reasonable doubt.
- SC2.14** Careful consideration will be given to informing all those impacted by any matter, considered in line with these regulations, of the final outcome. Our duty of care to all parties will be considered as it is determined who we advise of an outcome and how much detail we disclose to them.
- SC2.15** External specialists may be used to undertake investigations in line with these regulations if it is believed that there are no suitably qualified and experienced internal investigators to deal with any allegations reported. This may include, but not be limited to, cases concerning allegations of sexual misconduct/violence, bullying, harassment and abuse of power. Any decision to use an external investigator will be approved by the University Secretary or their nominee.

SC2.16 If a student who has been placed on partial exclusion decides they wish to suspend their studies at the start of or during their partial exclusion period, it will be at the discretion of the University as to whether this course of action sees a pause to any misconduct investigation in connection with the matter which has led to their partial exclusion. If the University decides the student may suspend their studies whilst partially excluded but elects to continue with the misconduct investigation, the student will be expected to participate in the investigation whilst they are on suspended studies. If the student chooses not to participate or disengages with the investigation, the University reserves the right to conclude and, if appropriate, impose a penalty against the student in line with these Regulations based on the information available, without the student's input.

SC2.17 In cases where a student elects to withdraw from the University or concludes their studies before any misconduct investigation undertaken in line with these Regulations can be concluded, the Principal and Vice Chancellor or their nominee will decide whether the investigation will continue. In cases where a significant point in the investigation process has been reached investigations will normally continue, and conclusions will be drawn and recorded based on the evidence and information available.

SC2.18 In situations such as those outlined in SC2.17 above, if appropriate, a penalty will be recorded against the individual under investigation and will be considered should they reapply to study at the University at any future point. Not all the penalties outlined in these Regulations will be applicable if the individual leaves the University before proceedings conclude as many of them can only be applied to current, registered students. Examples of penalties applied in such situations are a temporary or permanent ban on the acceptance of any future study application from the individual concerned or penalties relating to the restriction or revocation of privileges associated with graduation

events or those reserved for alumni.

SC3 Criminal Offences, Protection of Vulnerable Groups, Withdrawal and Exclusion

SC3.1 Where reference is made to relevant criminal charges or convictions in these regulations, the following charges apply:

- i) against the person, whether of a violent or sexual nature
- ii) the unlawful supplying of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.
- iii) where there has been the use of firearms, crossbows and knives.
- iv) arson
- v) those listed under terrorism laws.

The University may exercise discretion to include other criminal charges or convictions as relevant on a case-by-case basis if it is believed that there is a concern for the safety and/or wellbeing of the University Community.

Spent convictions (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant.

SC3.2 Where a matter reported under these Regulations can be classed as one of the offences outlined in section SC3.1 above, where a criminal investigation/charges are pending or where there has been a conviction, the member of staff receiving the report shall, as soon as practicable, inform their Dean of School or Director of Service who shall discuss the matter with a member of University Leadership Team or their nominee.

The member of University Leadership or their nominee should contact the officer responsible for administering student conduct to discuss whether a short-term exclusion – to last no longer than is necessary to allow for a full appraisal of the matter – of the student should be put in place. If it is determined a short-

term exclusion is appropriate, the officer responsible for administering student conduct will communicate this to the student and will be responsible for communicating an indicative timescale for when the student will learn whether the exclusion will be extended or lifted.

Irrespective of whether any form of short-term exclusion is put in place or not, the officer responsible for administering student conduct will arrange for a risk assessment to take place. The risk assessment will be undertaken by the following: -

- The Principal or their nominee.
- The Head of Governance and Risk or their nominee.
- The officer responsible for administering student conduct or their nominee.
- Where it is deemed appropriate, senior staff from relevant services e.g. admissions, security, wellbeing, international.

Upon conclusion of the risk assessment, the Principal and Vice Chancellor or their nominee shall then determine which of the following apply:

SC3.2.1 In cases of offences under criminal law which are being dealt with under the criminal process advice will be sought from Police Scotland and upon receipt of this advice, the Principal and Vice Chancellor or their nominee may decide whether internal disciplinary action should continue/be taken (or not) under these Regulations. The Principal and Vice Chancellor or their nominee may elect to subject students to precautionary and preventative measures – such as temporary, full or partial exclusions – irrespective of the stage and status of any criminal process.

SC3.2.2 In cases of offences under criminal law which are not being dealt with under the criminal process, internal disciplinary action may be taken under these Regulations.

SC3.2.3 No action will be taken. In such cases, the officer responsible for administering student conduct will record the reason for this decision

within the case file.

Irrespective of any decision taken at this stage, the officer responsible for administering student conduct will inform the student if any short-term exclusion put in place will be lifted or extended due to the further consideration undertaken by the Principal and Vice Chancellor or their nominee.

SC3.3 Where a finding of a breach of Regulations is made and the student has already been sentenced by a Criminal Court in respect of the same facts, the Court's penalty shall be taken into consideration in determining the penalty under these Regulations.

SC3.4 A student may be withdrawn from the University if authorities external to the University place restrictions upon the student which prohibits their attendance at the University or otherwise affects the student's ability to fulfill the academic requirements expected of them. Withdrawal of a student does not prohibit the student from enrolling at the University in the next academic year, but admission may be subject to restrictions, such as exclusion from certain programmes of study. The student may be refused readmission to the University if they receive a criminal conviction though all such cases will be considered on a case-by-case basis.

SC3.5 For students who must have a [Protection of Vulnerable Groups \(PVG\)](#) check as part of their programme of study, the University is required to make a referral to Disclosure Scotland when they are satisfied that a student's conduct has met one or more of the criteria (referral grounds) outlined below AND that the findings under the breach of regulations results in permanent expulsion and exclusion from the University as outlined under section SC6.4 of these regulations. The referral grounds include:

SC3.5.1 Harmed a child or protected adult.

SC3.5.2 Placed a child or protected adult at risk of harm.

SC3.5.3 Engaged in inappropriate conduct involving pornography.

SC3.5.4 Engaged in inappropriate conduct of a sexual nature involving a child or protected adult.

SC3.5.5 Given inappropriate medical treatment to a child or protected adult.

SC3.6 In the above circumstances, the University is obligated to make a referral to Disclosure Scotland even if a student requests to leave their studies prior to any penalty of permanent expulsion and exclusion being imposed. In these circumstances, the University's disciplinary proceedings outlined in SC5 and SC6 will proceed regardless of whether the student has withdrawn from the University or not. If the findings of the disciplinary proceedings would have resulted (had the student not withdrawn voluntarily) in the student's permanent expulsion from the University, then a referral to Disclosure Scotland will be made.

SC3.7 Students are asked to disclose relevant criminal convictions and charges at both application and, annually, registration. A relevant criminal conviction or charge are those defined in section SC3.1

SC3.8 If a student is subject to any relevant criminal convictions and charges, as defined in SC3.7 above, after they have registered for the academic year, they must disclose the details to complaints@napier.ac.uk as soon as they become aware of them. Should it emerge that a student has relevant criminal convictions or relevant charges pending that they failed to disclose at the requisite point during the application and/or registration process or at any relevant point during their studies, consideration will be given to whether any action should be taken

under the terms of these regulations as noted in SC4.3.

SC3.9 Should allegations emerge against any current student regarding the submission of forged or fake documentation and/or information provided as part of their application for a place on a programme, consideration will be given to whether any action should be taken under the terms of these regulations as noted in SC4.3. If the student against whom such allegations are made has graduated, then any investigation will take place in line with the Graduate Academic Integrity Regulations.

SC3.10 In exceptional circumstances, a student may be partially excluded from the University by the Principal without invoking the Conduct Regulations. The following are examples of exceptional circumstances.

- i) For failing to comply with any prevailing fees policies.
- ii) Where there is genuine concern or belief that a student may be suffering from ill-health which has caused or may cause detriment to themselves or the University Community. If the behaviour of an individual is the cause of concern and there is a belief that ill health may be impacting their behaviour, the matter will be reported to senior staff within the University's Wellbeing and Inclusion team who will provide advice and support with regard to the management of the case. Any consideration to amend/lift the partial exclusion will be determined by the receipt of a satisfactory medical report from an appropriately qualified medical or psychiatric professional, approved by the University (such approval not to be unreasonably withheld). A decision may be taken to place the student on suspended studies, thus not permitting them to engage with their studies in any capacity, until satisfactory written evidence from an appropriately qualified medical or psychiatric professional is received. If the student does

not provide the evidence requested within six months of the request, they may be withdrawn from their programme.

- iii) Where there is consideration for the safety of the University Community.
- iv) Whilst a decision is made on whether Fitness to Practise regulations should be invoked. This measure should be temporary and for no longer a period than two working days.
- v) For failing to comply with any immigration laws/policies/regulations or failure to meet criteria stipulated by such laws/policies/regulations.

Application Of The Regulations

SC4 Introduction and Definition

SC4.1 The University considers non-academic misconduct to be improper interference, in the broadest sense, with the proper functioning of the activities of the University, or persons who work or study in the University, or any action which otherwise damages the University whether or not this takes place on University premises.

SC4.2 Examples of what the University considers misconduct are listed in [Appendix I](#). This list is illustrative and not exhaustive.

SC4.3 Any misconduct prior to a student's enrolment at the University which has only just come to light, or is still in the process of being dealt with by the proper authorities, shall not form the basis of an offence under these Regulations unless:

SC4.3.1 The conduct is of such a serious nature and character that it raises questions about the fitness of the student to be a member of the University community or, if repeated would pose a threat to other members of the community or threaten the discipline and good order of the University.

SC4.3.2 The student is registered on a programme directly leading to a professional qualification and the conduct raises questions about the student's fitness to be admitted to and to practise that profession. In which case, the [Fitness to Practise Regulations](#) may be invoked.

SC4.3.3 The conduct could be classed as any of the offences listed in SC3.7.

SC5 Disciplinary procedure for suspected/alleged non-academic misconduct

SC5.1 Authorised Officers

The members of staff detailed below are Authorised Officers who have responsibility for taking procedural decisions and disciplinary action and to impose penalties within the limits set out in section SC6

- i) Alleged offences occurring within academic areas of activity (whether on University premises or not) will usually be dealt with by the relevant Dean or their nominee.
- ii) Alleged offences occurring in any other University premises, property or service area or relating to any activity out with the University will be dealt with by an appropriate member of Senior Leadership Team or their nominee.

SC5.2 Initial investigation

On receipt of an alleged offence the Authorised Officer (AO) will consider whether the matter could be addressed through them or a colleague directly (for example through a conversation with those concerned) or if further action is required. If further action is deemed necessary, the AO will designate an appropriate member of staff to carry out an initial investigation of the offence which should include the taking of statements from relevant parties including, where appropriate, the accused student and any witnesses.

On receipt of the details of the initial investigation, the Authorised Officer may rule that:

- i) The matter should not be the subject of further action though a written warning/note of caution may be issued to the student at this stage.
- ii) A Student Conduct Hearing should be convened.
- iii) The matter is serious/substantial in nature and the case is to be referred for action by a Student Conduct Panel. Where appropriate, the Authorised Officer should provide a summary or report of the case to be used by the panel.

SC5.3 Student Conduct Hearing

SC5.3.1 The student shall be informed as soon as practicable in writing, of the detail of the alleged offences and in any event not less than ten working days in advance of the date, time, and venue of the hearing. Where it is not reasonably practicable for a student to attend in person options for remote participation (usually via MS Teams) will be considered.

SC5.3.2 The hearing will be undertaken by the Authorised Officer along with their chosen colleague(s) and the meeting will be minuted by a member of staff as deemed appropriate by the Authorised Officer.

SC5.3.3 The student shall be entitled to be accompanied by a person as defined in SC2.6.

SC5.3.4 If the matter giving rise to the alleged offence(s) involves consideration of any documentation, the student will have the opportunity to inspect the documentation before the hearing takes place and may question the accuracy of such documentation ahead of or at the hearing.

SC5.3.5 Any sensitive personal information shall only be included in the

documentation in conformity with Data Protection legislation.

SC5.3.6 Failure by the student to attend at the time and place specified by the Authorised Officer, except for a written reason acceptable to the Authorised Officer, shall not preclude the Authorised Officer from considering the matter and reaching a decision.

SC5.3.7 The decision of the Authorised Officer shall be communicated to the student as soon as reasonably practical and confirmed via an email to the student's Edinburgh Napier email address within five working days. The written notification of the decision will give reasons for the decision and detail the student's right of appeal.

SC5.4 Penalties

SC5.4.1 The Penalty or Penalties that may be imposed by an Authorised Officer if the offence(s) are proved are:

- i) A written reprimand which will specify the length of time the reprimand will remain on file
- ii) Exclusion from the University or defined activities for a set period.
- iii) In cases where there is damage to university premises or property (or that of one of our partners), a requirement to make good the cost, in whole or in part, of any damage caused (or to replace property damaged).
- iv) The removal or restriction of privileges for a specified period of time.
- v) A valid 'Notice to Quit' issued by Student Accommodation for offences committed within University residential accommodation.
- vi) Restriction or revocation of any graduation or alumni privileges.

SC5.4.2 If a penalty is issued, the Officer responsible for administering student conduct should be notified for the purposes of record keeping and future reference. They will also liaise with appropriate colleagues to ensure that the penalties are implemented.

SC5.5 Appeal against the decision of an Authorised Officer

SC5.5.1 A student may appeal, in writing, against the decision of the Authorised Officer. The student will be directed regarding to whom any appeal should be sent, and it will be considered by a member of Senior Leadership Team or their nominee. The student's appeal must be submitted within ten working days of the date the decision was sent to them and may be made on the following grounds:

- i) The penalty was out with the scope of the Regulations set out in section SC5.4.
- ii) There was a procedural irregularity in the process undertaken by the Authorised Officer which materially influenced the final decision.
- iii) The decision reached was unreasonable because of the Authorised Officer's actions or omissions.
- iv) The penalty imposed was unreasonable or in excess of the penalties specified in section SC5.4.
- v) New evidence is now available which might have caused the hearing to reach a different conclusion, but could not have been made available at the time of the hearing. In such cases an explanation/evidence as to why the material could not have been made available for the hearing should be provided.

SC5.5.2 The person designated to hear the appeal will consider the written appeal together with the documented reasons for the finding and

shall notify their decision within fifteen working days of receipt of the appeal.

SC5.5.3 If the person designated to hear the appeal allows the appeal they may review or quash the penalty imposed.

SC5.5.4 The decision of the person designated to hear the appeal will be final and if the student remains unhappy, they will be referred to the Scottish Public Services Ombudsman (SPSO). See section [SC7](#).

SC5.5.5 The officer responsible for administering student conduct should be informed of the appeal outcome so that it can be recorded.

SC6 Student Conduct Panel

SC6.1 Process

- SC6.1.1 An Authorised Officer having considered the details of the initial investigation may decide not to proceed with a Student Conduct Hearing as outlined in SC5.2 and as a result refer the case to the Officer responsible for administering student conduct, for action by a Student Conduct Panel.
- SC6.1.2 Within fifteen working days of the receipt of the referral from an Authorised Officer, a Student Conduct Panel will be convened.
- SC6.1.3 The student will be given at least ten working days' notice of the panel date and time.

SC6.2 Constitution

A Student Conduct Panel will comprise of a member of the University Leadership Team or their nominee; one member of the Senior Leadership Team or an individual nominated by this group, and one student member nominated by the Edinburgh Napier Students' Association (ENSA) President. All members of the panel will have had no direct or previous involvement with the student or work directly within the area where the alleged offence took place. The member of the University Leadership Team or their nominee shall act as Convenor and they will nominate a senior administrator to act as clerk and keep a record of the proceedings. The clerk shall be responsible for issuing the student and all panel members with relevant documentation and evidence ahead of the meeting.

SC6.3 Proceedings

- SC6.3.1 The University's case against the student will be presented in advance by a senior member of staff, normally the appropriate Authorised Officer. Where it is not reasonably practicable for a student to attend in person options for remote participation (usually MS Teams) will be considered.
- SC6.3.2 The student shall receive a copy of any documentation, as issued to the panel, five working days ahead of the meeting. This includes any summary document or report issued in accordance with SC5.2 iii). In exceptional circumstances, if it is apparent this timescale is not possible, this will be communicated to the student and the reasons for any delay will be detailed.
- SC6.3.3 The student shall be entitled to be accompanied by a person as defined in Section SC2.6 above.
- SC6.3.4 Adjournment of proceedings may be requested by any party concerned and will be granted at the discretion of the Convenor. The Convenor may also choose to adjourn at any point during proceedings.
- SC6.3.5 If witnesses are to be called by any party, statements from the witnesses, together with their full contact details will be made available to the clerk to the panel at least five working days in advance of the meeting. Evidence from witnesses will normally take the form of statements and witnesses will not usually attend in person. Where applicable, all parties will be given a copy of any relevant extracts from witness statements in advance of the panel meeting.
- SC6.3.6 If the panel receives oral evidence from any person not called by the student or the Authorised Officer, all parties shall be allowed to

question that person for the purposes of clarifying any points made.

SC6.3.7 The Convenor may elect not to proceed with the whole or any part of the case and may therefore dismiss the whole or irrelevant part as appropriate.

SC6.3.8 Failure by the student to attend at the time specified, except for a written reason acceptable to the Convenor, shall not normally preclude the panel from considering the matter and reaching a decision.

SC6.3.9 The panel shall consider the alleged offence and reach its decision in private. The decision shall be communicated to the student by the clerk as soon as reasonably practicable after the meeting and within no more than five working days. The notice communicating the decision will give reasons for the decision and give details of the right to appeal.

SC6.4 Penalties imposed by a Student Conduct Panel

SC6.4.1 The Penalty or Penalties that may be imposed by the panel if the offence(s) is/are proved are:

- i) A written reprimand specifying the length of time the reprimand will remain on file.
- ii) In cases where there is damage to university premises or property (or that of one of our partners), a requirement to make good the cost, in whole or in part, of any damage caused (or to replace property damaged). The timescale during which any costs must be paid will be agreed with the University's Finance Office.

In the event of non-payment under the terms agreed above, all debts due to the University will be collected in accordance with the

University's policy on Student Debt Collection.

- iii) The removal or restriction of privileges, such as email/intranet access, access to library services, for a specified period of time.
- iv) A valid Notice to Quit issued by Student Accommodation for offences within University residential accommodation.
- v) Exclusion from the University for a defined period.
- vi) Exclusion from defined areas of the University or from defined activities for a defined period.
- vii) Permanent expulsion and resultant exclusion from the use of any facilities or services available to students of the University. This will include visits to any University premises or attendance at University events that have not been authorised under SC6.4.4 below.
- viii) Restriction or revocation of any graduation or alumni privileges.

SC6.4.2 With reference to the penalties outlined in section SC5.4, at the discretion of the Convenor penalty ii) may be applied in addition to any other penalties.

SC6.4.3 If a penalty is issued, the Officer responsible for administering student conduct should be notified for the purposes of record keeping and future reference. They will also liaise with appropriate colleagues to ensure that the penalties are implemented and the decision is appropriately noted and recorded including informing colleagues who have a relevant interest in the outcome.

SC6.4.4 If the penalty vii), as detailed in section SC6.4.1, is imposed, the Principal and Vice Chancellor or their nominee will determine whether this precludes the student from attending any graduation ceremony or other University event.

SC6.5 Appeal against the decision of a Student Conduct Panel

SC6.5.1 The student may submit an appeal, in writing, against the decision of the Student Conduct Panel. The student will be directed with regard to whom any appeal should be sent and it will be considered by a member of Senior Leadership Team or their nominee. Where possible the person hearing the appeal should be of at least the same grade/level as the Convenor of the panel who made the original decision. The appeal must be submitted within ten working days of the date the outcome was sent to them and may be made on the following grounds:

- i) There was a serious procedural irregularity in the conduct of the panel which resulted in an unfair decision;
- ii) New evidence is now available which might have caused the panel to reach a different conclusion but could not have been made available when the panel considered the case. In such cases an explanation/evidence as to why the material could not have been made available for the panel should be provided.; or
- iii) The student can substantiate a claim that the penalty imposed was unreasonable or out with the penalties set out in section SC6.4.1.

SC6.5.2 The person hearing the appeal will consider the appeal together with the documented reasons for the findings of the panel.

SC6.5.3 The appellant will be notified of the outcome within fifteen working days of the receipt of the appeal. This notification will include confirmation that the appellant has now reached completion of the University's procedures regarding the matter.

SC6.5.4 If the appeal is upheld the original penalty may be reviewed or

quashed.

SC6.5.5 The outcome of the appeal will be the University's final position regarding the matter and will represent the completion of the Student Conduct Regulations.

SC6.5.6 If a student remains dissatisfied following the communication referenced in section SC6.5.3 above, information on external appeals can be found in section [SC7](#).

SC6.5.7 The officer responsible for administering student conduct should be informed of the appeal outcome so that it can be recorded.

SC7 Independent External Review

SC7.1 Introduction

Once the processes outlined in sections SC5.5 or SC6.5 have been completed, should the student remain dissatisfied they are entitled to ask the Scottish Public Services Ombudsman (SPSO) to look at the matter. The SPSO considers matters from students who remain dissatisfied at the conclusion of the University's Student Conduct Regulations. The SPSO looks at issues such as:

- service failure and maladministration (administrative fault)
- the way the University has implemented its regulations.

The SPSO will not consider matters that concern the exercise of academic judgment.

SC7.2 Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes any dissatisfaction following the completion of a university's internal procedures. If you remain dissatisfied with a university or co-operative after fully engaging with an internal procedure, you can ask the SPSO to look into the matter.

The SPSO cannot normally look at matters:

- where you have not fully exhausted the University's specific procedure to deal with the matter, or
- that have been or are being considered in criminal courts.

The SPSO's contact details are:

Office Address: SPSO Bridgeside House, 99 McDonald Road Edinburgh, EH7 4NS (please make an appointment in advance)

Freepost: Freepost SPSO

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk

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

This document has been reformatted to make it more accessible. Should you have any feedback, please email quality@napier.ac.uk

Appendix I

The following are examples of misconduct. The list is illustrative but not exhaustive:

1. Anti-social behaviour (including noise, nuisance and disorderly behaviour as a consequence of alcohol or substance misuse), which adversely affects staff, students, visitors or the local community.
2. The disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on university premises or engaged in University activity elsewhere.
3. Obstruction of, or improper interference with, the function, duties or activities of any student, member of staff or other employee of the University or any authorised visitor of the University.
4. Violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally, in writing or online/electronically), whilst on university premises or engaged in any University activity.
5. Any posting made to or on internal (e.g. Moodle) or external (e.g. Facebook, Twitter, Instagram etc) digital platform that is defamatory, in breach of copyright or data protection legislation, brings the University into disrepute, constitutes bullying, harassment or otherwise generally unacceptable behaviour.

6. Fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University.
7. Failure to adhere to the University's intellectual property policy and/or breach of the University's copyright, designs or patents.
8. Behaviour likely to cause – or that has the potential to cause - injury or impair safety on University premises, including a failure to observe and adhere to the University's policies regarding [Health and Safety](#).
9. Failure to adhere to guidance published or communicated by the University, Public Health Bodies and/or Governments in response to Coronavirus and/or other pandemics. This includes conduct both on and off campus as well as irresponsible travel e.g. travelling to or from a country without adhering to Government travel advice or failure to follow guidance on isolation upon arrival/return from any trip.
10. Behaviour which puts or is likely to put at risk or harm any person with whom a student has dealings as part of a programme of study or research.
11. Any form of bullying or harassment of any student, member of staff or other employee of the University or any visitor to the University.

12. Discriminating against anyone on the basis of any of the protected characteristics as defined in the [Equality Act 2010](#) which include disability, gender reassignment, race, sex and sexual orientation.
13. Any form of gender-based violence towards any fellow student, member of staff, other employee of the University or any visitor to the University. The University aligns to the definitions of gender-based violence outlined by the Scottish Government's [Equally Safe](#) initiative.
14. Breach of any University code of practice, regulation, rule, policy or code of conduct as previously approved by the University Court or Academic Board which provides for breaches to constitute misconduct.
15. Misuse or unauthorised use of university premises or items of property, including computer misuse, the misuse of fire-fighting equipment, the misuse or alteration of electrical fittings and the unauthorised use of electrical appliances. This also refers to the property and premises of one of our partners.
16. Damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property. This also refers to the property and premises of one of our partners.
17. The possession or usage/discharge of any potentially harmful weapon (including any form of knife), item that could be used as a harmful weapon, explosive device, firearm or detonator or the discharge of any firework (except with the prior consent of a Dean of School who must receive clearance from the University's Health and Safety team in advance).

18. Without prejudice to the right to raise academic and other concerns responsibly within or (out with) the University, the making of false, malicious and/or vexatious reports of malpractice or complaints which upon investigation are proved to be unfounded.
19. Conduct which infringes the beliefs, orientation, practices, or freedom of speech of others, whilst on university premises or engaged in University work, study or activity.
20. Failure to disclose name and other relevant details to a member of the academic, administrative or security staff of the University in circumstances when it is reasonable to require that such information be given.
21. Behaviour which is deemed unacceptable by host organisations offering study, work placements or work-based learning experiences as part of a module or programme.
22. Any form of behaviour which is likely to bring the University into disrepute with the professional bodies or professional communities aligned with the programme, or otherwise harm the relationship with key stakeholder organisations.

If either of 21 or 22 above apply then consultation with the external stakeholders such as host organisations, employers or professional bodies may need to take place.

23. Conduct which constitutes a criminal offence where that conduct:
- i) took place on university premises/while engaged in University activity, or
 - ii) affected or concerned other members of the University Community, or
 - iii) damaged the good name of the University, or
 - iv) itself constituted misconduct within the terms of this procedure, or
 - vi) is an offence of dishonesty, where the student holds an office of responsibility in the University, or
 - vii) is such to render the student unfit to practice any profession or calling to which that student's programme leads directly (i.e. nursing, midwifery, teaching).
23. Failure to comply with a previously imposed penalty, requirement or undertaking under these regulations.
25. Recording any interaction such as a lecture, tutorial, meeting or hearing without seeking and receiving the consent of the lecturer/host/Chair/Convenor in advance. Any unauthorised sharing or distribution of recordings may also be considered as misconduct.
26. Any matter reported concerning the conduct of a student that the University considers does not align with the values and behaviours which students of the University could be reasonably expected to exhibit and uphold.

Student Conduct Regulations - Process Flowchart

