Regulation XXII:
Regulations relating to the Discipline of Students

1. These Regulations apply to all students studying University of Sheffield programmes. Students and their representatives are expected to act reasonably and fairly towards all parties in the discipline process and treat the disciplinary process with respect. It is in the best interests of the student to engage with the disciplinary process at all times. Failure to engage may result in their case being referred to a more serious stage of the disciplinary process and/or more severe penalties being imposed.
2. These Regulations are governed by and shall be applied in accordance with the University's duties in relation to free speech and academic freedom as set out in the Code of Practice on Freedom of Speech and Academic Freedom ("the Code"). No student will be subject to any sanction under this Procedure, without consideration of whether doing so would be an infringement of their right of freedom of speech. That assessment will involve an objective assessment of the facts and context relevant to the case and consideration of the factors in paragraph 3 of Part 1 of the Code. In the case of any conflict between the Regulations and the Code, the Code shall take precedence.

Definitions of Misconduct

3. Misconduct for the purposes of this Regulation is the improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University; or action which otherwise damages the interests of the University.
4. Subject to the general definition in the preceding paragraph, the following will constitute misconduct:
    (a) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on premises owned, managed or leased by the University or elsewhere.
    (b) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University.
    (c) violent, indecent, disorderly, threatening or abusive behaviour or language whilst on premises owned, managed or leased by the University or engaged in any University activity or which affects or concerns any member of the University.
    (d) any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media and includes, but is not limited to, the following:
        i. engaging, or attempting to engage, in a sexual act with another individual without consent;
        ii. sexually touching another person without their consent;
        iii. sexual harassment – unwanted conduct of a sexual nature, including making unwanted remarks of a sexual nature, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. When considering whether conduct has this effect, the assessment will take into account the perception of the complainant, all the other circumstances of the case and whether it is objectively reasonable for the conduct to have that effect;

iv. inappropriately showing sexual organs to another person;
v. repeatedly following another person without good reason;
vi. recording and/or sharing intimate images or recordings of another person without their consent; *and*
vii. arranging or participating in events aimed at degrading or humiliating those who have experienced sexual violence, for example inappropriately themed social events or initiation.

(e) 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.
(f) behaviour likely to cause injury or impair safety on premises owned, managed or leased by the University or such behaviour which affects or concerns any member of the University.
(g) behaviour which puts or is likely to put at risk of harm any person with whom a student has dealings as part of a programme of study or research.
(h) harassment, including sexual harassment, to include:
i. unwanted behaviour or conduct related to one or more protected characteristic (age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation) which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. When considering whether conduct has this effect, the assessment will take into account the perception of the complainant, all the other circumstances of the case and whether it is objectively reasonable for the conduct to have that effect;
ii. pursuing a course of conduct (more than one act) which amounts to harassment of another, where the person carrying out the conduct knows that it amounts to harassment or ought to know that it amounts to harassment (because a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other);
iii. pursuing a course of conduct (more than one act) which involves harassment of two or more persons, where the person carrying out that conduct knows that it involves harassment of those persons (or ought to know that, because a reasonable person in possession of the same information would think the course of conduct involved harassment of those persons) and by which that person intends to persuade another (whether or not one of those harassed) not to do something that they are entitled or required to do, or to do something that they are not under any obligation to do;
iv. The types of harassment referred to in (ii) and (iii) above may include causing alarm or distress to another person but the conduct in question, when considered objectively in all the circumstances of the case, be oppressive and unreasonable;
v. For the purposes of (ii) and (iii) above, a course of conduct will not amount to harassment if the person carrying it out can show that it was pursued for the purpose of preventing or detecting crime; it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment; or that, in the particular circumstances, pursuing that course of conduct was reasonable.

(i) Bullying - which is unwanted behaviour from a person or group which is (when considered objectively) offensive, intimidating, malicious or insulting which is an abuse or misuse of power through means that undermine, humiliate, denigrate or

cause physical or emotional harm to the person being bullied. Power abuse is not always related to structure or formal hierarchy and may instead be linked with the perpetrator's relationship with specific groups or individuals. Bullying may be a "one off" act or it may involve a pattern of negative behaviour (of the types described above) which is targeted at an individual, or individuals, repeatedly and persistently over time. Determining whether an act or acts constitute bullying will depend on wider contextual information - for example, an individual's response to potentially bullying behaviour, or the response of the perpetrator if they become aware of how their behaviour is being received. In all cases, the question of whether the unwanted behaviour amounts to bullying will be made on an objective basis, taking into account all the circumstances of the case, including (but not only) the perception of the complainant. Examples of bullying include (dependent on wider circumstances):

i. ignoring, excluding, isolating or marginalising someone;
ii. ridiculing or insulting someone;
iii. physical attacks, inappropriate physical contact or physical intimidation, for example shouting or yelling, pushing and grabbing, finger pointing or standing too close to someone;
iv. verbal abuse, making threats or directing obscene or offensive language towards someone;
v. inappropriate non-verbal communication or gestures;
vi. ganging up with others against someone or encouraging others to criticise the target;
vii. spreading rumours, lies or malicious gossip;
viii. actions which constitute cyberbullying via digital platforms such as email, virtual meetings, social media or online messaging platforms e.g. threatening comments, posting comments/photos which are deliberately mocking.

(j) breach of the University's Code of Practice on Freedom of Speech and Academic Freedom on premises owned, managed or leased by the University under section 43 of the Education (No 2) Act 1986 or of any other Regulation which provides for breaches to be dealt with under these Regulations.
(k) the use of any academic misconduct in the assessment process of the University.
(l) damage to, or defacement of, property on any premises owned, managed or leased by the University or the property of other members of the University community caused intentionally or recklessly, or misappropriation of such property.
(m) misuse or unauthorised use of premises or items of property in premises owned, managed or leased by the University.
(n) misuse or unauthorised use of IT facilities premises or items of property in premises owned, managed or leased by the University or any University company, or controlled or operating on behalf of the University, or situated on University premises or connecting to University IT systems, including computer misuse.
(o) conduct which constitutes a breach of the criminal law where that conduct:

i. took place on premises owned, managed or leased by the University; *and/or*
ii. affects or concerns other members of the University community, or the interests of the University, or members of the public, or took place during an activity organised by the University; *and/or*
iii. damages the good name of the University; *and/or*
iv. itself constitutes misconduct within the terms of these Regulations; *and/or*
v. is an offence of dishonesty, where the student holds an office of responsibility in the Students' Union, or on premises owned, managed or leased by the University.

(p) behaviour which brings or is likely to bring the University into disrepute, for example misconduct in a community or other public setting.
(q) failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given.
(r) failure to comply with a previously-imposed penalty, requirement or reaffirmation under these Regulations.
(s) breach of any residence contract in relation to accommodation owned, managed or leased by the University.
(t) the improper use of University intellectual property, including sharing University teaching and other material with unauthorised persons and making it available online;
(u) disclosure of another person's legitimate speech or activity that would place any person at risk of harm.
(v) any breach by a student of precautionary measures or suspension imposed in line with this Regulation.
(w) behaviour in a relationship which includes any incident or pattern of incidents of psychological, physical, sexual, financial, emotional abuse and/or coercive or controlling behaviour.
(x) behaviour which breaches the University's obligations in relation to Freedom of Speech.
(y) behaviour which includes any action that encourages, assists, or facilitates misconduct by others.

Procedure

Disciplinary proceedings shall be conducted in accordance with the requirements of fairness. The standard of proof applied is that of the balance of probabilities.

Reference in these Regulations to the Chief Operating Officer includes any person or delegate authorised to act on their behalf, to include, but not limited to, the Associate Director of Student and Academic Services, the Director of Research, Partnerships and Innovation and the Head of Student Registry, and responsibilities and powers may also be delegated as appropriate to the Student Conduct and Appeals Team.

The Chief Operating Officer has the discretion to vary the procedures in the following paragraphs if it would be appropriate to do so. It is the responsibility of the Associate Director of Student and Academic Services to ensure that detailed procedural guidance relating to student disciplinary processes is publicly available to students at all times.

Reports of Alleged Misconduct

Academic Misconduct in the Assessment Process of the University

5. Reports of academic misconduct in the assessment process, will initially be considered by the relevant School who may investigate and respond to the matter in line with the University's Academic Misconduct Policy and Academic Misconduct Policy for PGRs. Matters which are considered serious may be reported to the Chief Operating Officer for consideration for referral to a Summary Hearing at paragraphs 18-26 of this Regulation or a Senate Discipline Panel at paragraphs 27-40 of this Regulation.

Misconduct in Accommodation Owned, Managed or Leased by the University

6. Reports of misconduct in accommodation owned, managed or leased by the University, or

related to a student's residence in accommodation owned, managed or leased by the University, will initially be considered by the Director of Estates and Facilities Management, or any person authorised to act on their behalf, who may appoint an Investigator to:

(a) review the available information and make enquiries in order to obtain additional information and evidence, to include witness statements, as they consider appropriate;
(b) notify the student that a report of misconduct has been received and that an investigation is being conducted, unless the Director of Estates and Facilities Management or any other person authorised to act on their behalf considers there is good reason not to do so;
(c) require as appropriate, that the student does not contact, or attempt to contact, directly or indirectly, by any means whatsoever, the individual(s) making the report or any witness or any other person involved in the matter;
(d) require that the student respect the confidential nature of the investigation and any evidence obtained;
(e) require the student to attend an interview, of which the student will receive notice, and sufficient information to allow them to respond to the report of misconduct, at least 3 working days beforehand. The interview will be private and the student may be accompanied by a friend or representative. The student will be required to give details of any friend or representative in advance of the interview;
(f) make further enquiries in order to obtain additional information and evidence, to include witness statements, as the Investigator considers appropriate.

7. Upon the investigator being satisfied that the investigation is completed, they may recommend that the Director of Estates and Facilities Management or any other person authorised to act on their behalf:

(a) take no further action; *or*
(b) issue a written warning to the student; *or*
(c) impose one of more of the following penalties:
    i. a requirement that the student reaffirms their undertaking to comply with the University Student Code of Conduct, and to comply with any additional requirements deemed appropriate to address the student's misconduct, breach of the reaffirmation and/or non-compliance with any additional requirements to constitute misconduct with consideration to be given to alternative penalties or to reporting the matter to the Chief Operating Officer for consideration for referral to a Summary Hearing or Senate Discipline Panel;
    ii. a fine of not more than £200;
    iii. the payment of compensation in a sum not to exceed £500 for loss or damage to property caused by the student;
    iv. exclusion of the student from any part of the accommodation owned, managed or leased by the University or from specified activities taking place in the accommodation for a stated period of time; *or*
(d) report the matter to the Chief Operating Officer for consideration for referral to a Summary Hearing at paragraphs 18-26 of this Regulation; *or*
(e) report the matter to the Chief Operating Officer for consideration for referral to a Senate Discipline Panel at paragraphs 27-40 of this Regulation.

8. The student will receive written confirmation of the decision, and where a penalty has been imposed, information on their right of review and appeal.

9. Where one or more of the penalties at paragraph 7(c) above is imposed, the student may

request a review of the decision by the Director of Estates and Facilities Management upon one or more of the following grounds:

(a) that there was a material procedural irregularity which rendered the process leading to the initial decision unfair;
(b) that the penalty imposed was too severe as being disproportionate to the gravity of the act or of misconduct;
(c) that material of which the student could not reasonably have been expected to have been aware at the time of the initial decision casts substantial doubt upon the appropriateness of that decision.

10. The student must give notice of the request for a review in writing, specifying which of the grounds listed in the preceding paragraph is relied upon, to the Director of Estates and Facilities Management.

11. The Director of Estates and Facilities Management may:

(a) quash the decision; *or*
(b) substitute a different penalty; *or*
(c) refer either the matter as a whole or the decision as to penalty for reconsideration by a different Investigator; *or*
(d) refer either the matter as a whole or the decision as to penalty for reconsideration to a Summary Hearing at paragraphs 18-26 of this Regulation or to a Senate Discipline Panel Hearing at paragraphs 27-40 of this Regulation.

Contractual Powers of the Director of Estates and Facilities Management

12. This Regulation will be without prejudice to the rights of the Director of Estates and Facilities Management or the University under any residence contract entered into by the student or as the owner or occupier of the premises comprising accommodation owned, managed or leased by the University for example requiring the student to move to alternative accommodation or serving Notice to Quit.

Other Misconduct

13. Other reports of misconduct will be considered by the Chief Operating Officer in order to:

(a) determine that no further action be taken under this Regulation; *or*
(b) refer the matter for consideration in line with another procedure such as, but not limited to, the Bullying and Harassment Procedure; the Messages of Concern Procedure; the Fitness to Practise Procedure; the Regulations on the Use of IT Facilities; the Regulations Relating to the Library; Sport Sheffield Code of Conduct; the Students' Union Disciplinary Procedure; or under General Regulation 24 concerning Ethics Approval; *or*
(c) refer the matter to an Officer with Summary Jurisdiction, normally one of the Officers listed below, for further investigation:
    i. the Vice-President for Education (or deputies);
    ii. the Vice-President for Research & Innovation (or deputies);
    iii. the Deputy Chief Operating Officers;
    iv. the Director of Estates and Facilities Management;
    v. the Director of Student Recruitment, Marketing and Admissions;
    vi. the Director of IT Services (for matters relating to Regulation XXIV: Regulations on the Use of IT Facilities);
    vii. the University Librarian (for matters relating to Regulation XXV: Regulations Relating to the Library).

(d) refer the matter to a Summary Hearing at paragraphs 18-26 of this Regulation; *or*
(e) refer to a Senate Discipline Panel Hearing at paragraph 27 of this Regulation.

Investigation

14. Officers with Summary Jurisdiction have the authority to appoint an Investigator to investigate the matter where further investigation of the alleged misconduct is required. The Investigator may:

    (a) review the available information and make enquiries in order to obtain additional information and evidence, to include witness statements, as they consider appropriate;
    (b) notify the student that a report of misconduct has been received and that an investigation is being conducted, unless the Officer with Summary Jurisdiction considers there is good reason not to do so;
    (c) require as appropriate, that the student does not contact, or attempt to contact, directly or indirectly, by any means whatsoever, the individual(s) making the report or any witness or any other person involved in the matter;
    (d) require that the student respect the confidential nature of the investigation and any evidence obtained;
    (e) require the student to attend an interview of which the student will be given notice and sufficient information to allow them to respond to the report of misconduct, at least 3 working days beforehand. The interview will be private and the student may be accompanied by a friend or representative. The student will be required to give details of any friend or representative in advance of the interview;
    (f) make further enquiries in order to obtain additional information and evidence, to include witness statements, as the Investigator considers appropriate.

15. Upon the Investigator being satisfied that the investigation is completed they may recommend that the Officer with Summary Jurisdiction:

    (a) take no further action; *or*
    (b) issue a written warning to the student; *or*
    (c) impose one or more of the following penalties where the student admits the misconduct:
        i. a requirement that the student reaffirms their undertaking to comply with the University Student Code of Conduct, and to comply with any additional requirements deemed appropriate to address the student's misconduct, breach of the reaffirmation and/or non-compliance with any additional requirements to constitute misconduct, with consideration to be given to alternative penalties or to reporting of the matter to the Chief Operating Officer for consideration for referral to a Summary Hearing of Senate Discipline Panel;
        ii. a fine of not more than £200;
        iii. the payment of compensation in a sum not to exceed £500 for loss or damage to property caused by the student; *or*
    (d) report the matter to the Chief Operating Officer for consideration for referral to a Summary Hearing at paragraphs 18-26 of this Regulation; *or*
    (e) report the matter to the Chief Operating Officer for consideration for referral to a Senate Discipline Panel at paragraphs 27-40 of this Regulation.

The student will receive written confirmation of the decision, and where a penalty has been imposed, information on their right of appeal. A request to formalise any undertaking will normally be made at this time.

Referral to a Summary Hearing or Senate Discipline Panel Hearing

16. In determining whether a report of misconduct is to be referred to a Summary Hearing or to a Senate Discipline Panel Hearing, consideration may be given to, but not limited to, the factors detailed under paragraph 53.

Criminal Offences

17. When the matter appears to disclose the commission of a serious criminal offence it is normally expected that the matter will be reported to the police. Where the offence potentially falls within the scope of these Regulations, the Chief Operating Officer will decide whether internal discipline procedures should be started. If started, the Chief Operating Officer may choose to suspend internal procedures pending the outcome of the police investigation. However, the fact that criminal proceedings have not concluded does not preclude the University from taking its own disciplinary action under these Regulations, particularly in relation to allegations of minor criminal offences. Similarly, if the police are unable or unwilling to proceed with the alleged offence, this also does not always preclude the University from taking disciplinary action under these Regulations. Where a student has been convicted and sentenced by a criminal court, the verdict of the court will not be open to challenge in proceedings initiated under these Regulations and the sentence will be taken into consideration in determining the penalty under these Regulations.

Summary Hearing

18. When the matter is referred to a Summary Hearing, a member of the Discipline Pool will act as Chair and a Secretary will normally be drawn from the Student Conduct and Appeals Team.
19. The Secretary will:
    (a) notify the student of the acts of misconduct alleged and that the matter has been referred to a Summary Hearing;
    (b) supply to the student and the Chair copies of any documents or written statements on which it is proposed to rely in support of the charges;
    (c) require the student to attend a Summary Hearing of which the student will be given at least five working days' notice;
    (d) ask the student to confirm in writing not later than three working days before the Summary Hearing whether the charge is admitted or denied and whether they are to attend the Hearing in person with or without a friend or representative, and to provide the details of any such friend or representative;
    (e) invite the student to submit a written statement not less than three working days before the hearing.
20. Where a student has good reason for not being able to attend the Hearing they may request an adjournment to another date. Where for example they will not be in the UK at the time of the hearing, consideration will be given to the student being able to participate in the Hearing via electronic means such as telephone or Skype.
21. The Hearing will be in private and the student may be accompanied at the Hearing by a friend or representative, whether legally qualified or not, who may speak and act on behalf of the

student.

22. The student may make representations relevant to the question of the penalty to be imposed. The Chair will then determine the penalty to be imposed.

23. The Chair may impose any one or more of the following penalties:

    (a) a reprimand;
    (b) with the consent of the student, a requirement that the student reaffirms their undertaking to comply with the University's Academic Misconduct Policy and/or Student Code of Conduct, and to comply with any additional requirements deemed appropriate to address the student's misconduct, breach of the reaffirmation to constitute misconduct;
    (c) in the case of the use of academic misconduct in the assessment process of the University in relation to taught programmes of study, refusal of credit for any or all units for which the student is registered (with no grade being returned) or failure of a part thereof, or a reduction of grade for any or all units for which the student is registered or a part thereof;
    (d) a fine of not more than £200;
    (e) the payment of compensation in a sum not to exceed £500 for damage to property or loss or injury to any person caused by the student.

24. If the student fails to confirm that the charge is admitted, or fails to attend the Hearing, or the Chair considers that the available penalties are insufficient, the Chair may refer the matter to the Senate Discipline Panel (of which they will not be a member) and may give directions as to the procedure to be followed in preparing for a Hearing of the matter by that Panel.

    The Discipline Chair will (in the absence of all other persons other than the Secretary) consider the statements made and material presented, in order to determine the outcome, to include any penalty to be imposed.

25. Once the decision is made, the student and any other persons will return to the Hearing and the Chair will inform the student of their decision.

26. After the Hearing, the Secretary will send the student written confirmation of the Chair's decision, and information on the student's right of appeal. A request to formalise any undertaking will normally be made at this time.

Senate Discipline Panel Hearing

27. Where the matter is referred to a Senate Discipline Panel, the Chief Operating Officer may appoint an Officer, and a Secretary that will normally be drawn from the Student Conduct and Appeals Team.

28. The Secretary will, at least 10 working days beforehand:

    (a) notify the student of the acts of misconduct alleged and that the matter has been referred to a Hearing;
    (b) supply to the student and the Chair copies of any documents or written statements on which it is proposed to rely in support of the charges;
    (c) notify the student of the date of the Hearing;
    (d) ask the student to confirm in writing not later than five working days before the Hearing whether the charge is admitted or denied and whether they are to attend the Hearing in person with or without a friend or representative, and to provide the details of any such friend or representative;
    (e) invite the student to submit a written statement not less than three working days

before the Hearing.

29. The Hearing may be held in person or via a virtual means or a combination of the two. Where a student has good reason for not being able to attend the Hearing they may request an adjournment to another date.
30. The Chair will decide which witnesses identified during the investigation should be asked to attend the Hearing. If the Chair decides not to ask a witness to attend, the student will be informed and given the opportunity to object to this decision in advance of the Hearing.
31. The student will be asked to indicate in writing of any wish to question at the Hearing any witness who it to attend and may be asked to provide the questions in advance for approval by the Chair of the Senate Discipline Panel.
32. A Chair of the Discipline Pool (who may, but need not be, the person appointed to take the Chair of the Senate Discipline Panel dealing with the matter) may give directions as to the procedure to be followed in preparing for the Hearing (which may include directions varying the time-limits in this Regulation where the student would not be prejudiced thereby; whether an adjournment be granted; whether the student or any other party may participate in the Hearing via virtual means; whether witnesses may be called and whether the student can ask them questions directly or through the Chair of the Senate Discipline Panel dealing with the matter), being directions designed to ensure a fair and speedy resolution.
33. The Hearing will be in private. The student may be accompanied at the Hearing by a friend or representative, whether legally qualified or not. Any officer may be similarly accompanied. A representative may speak and act on behalf of the student or the officer as the case may be. The investigator, or in cases where a charge relates to academic misconduct in the assessment process a representative from the School, may attend the Hearing to clarify any points and answer any questions. If the student has not already admitted the charge, each charge will at the Hearing be put to the student who will be invited to admit or deny it. If the student does not admit the charge, the Hearing will proceed as though the student denied the charge.
34. If the charge is denied, the burden of proof will be on the University to prove that the charge is made out. Where an officer is appointed, they will present the facts alleged and present material in support of the charge (which may take the form of oral or written statements by witnesses or of documents or digital images). The student may then make a statement and present material in refutation of the charge. The student and any officer appointed may each ask questions and comment upon the material presented by the other party. The Panel may itself ask questions or seek additional material (any such material to be open to question and comment by either party) and may adjourn from time to time as seems expedient. The Panel will then (in the absence of all other persons, other than the Secretary who will play no part in the decision making) decide whether, on the balance of probabilities, it is satisfied on the material before it that the charge is made out. Once the decision is made, the student and other persons will return to the Hearing and the Chair will inform the student of the Panel's decision as to whether the charge is made out.
35. If the charge is admitted, or the Panel finds the charge made out, the student, and any officer appointed, may make statements and present material relevant to the question of the penalty to be imposed. The burden of proof will be on the student to prove any mitigating circumstances presented. The Panel will then (in the absence of all other persons, other than the Secretary who will play no part in the decision making) consider the statements made and material presented on the balance of probabilities, in order to determine the penalty to be imposed.
36. If the student fails to attend the Hearing, the Panel may proceed if it is satisfied that due notice

of the meeting has been given, or may adjourn to a later date. If the Panel acts in the absence of the student it will proceed as if the student denied the charge unless it is satisfied that the student has voluntarily provided a written admission of the charge as specified.

37. The Senate Discipline Panel may impose any one or more of the following penalties:

    (a) a reprimand;
    (b) with the consent of the student, a requirement that the student reaffirms their undertaking to comply with the University's Academic Misconduct Policy and/or Student Code of Conduct, and to comply with any additional requirements deemed appropriate to address the student's misconduct, breach of the reaffirmation to constitute misconduct;
    (c) in the case of the use of academic misconduct in the assessment process of the University in relation to taught programmes of study, refusal of credit for any or all units for which the student is registered (with no grade being returned) or failure of a part thereof, or a reduction of grade for any or all units for which the student is registered or a part thereof, with or without the right to enter for a subsequent examination in respect of that unit or part thereof;
    (d) in the case of the use of academic misconduct in the assessment process of the University in relation to:
        i. the confirmation review of a Higher Degree by Research, failure in the examination with or without the right to submit a revised confirmation review, in the latter case the student will be required to become a candidate for a Master's degree; *or*
        ii. the final thesis of a Higher Degree by Research, failure in the examination with or without a right to submit a revised thesis, or for a candidate for the Degree of PhD and MD (excluding by Publication), EngD and EdD, failure in the examination with the right to be considered by the Examiners for the award of a Master's Degree;
    (e) a fine of not more than £750;
    (f) the payment of compensation in a sum not to exceed £1,000 for damage to property or loss or injury to any person caused by the student;
    (g) exclusion for a stated period or permanently from any part of the University or from the use of any of the facilities of the University;
    (h) suspension for a stated period or permanently from any of the University's activities;
    (i) suspension for a stated period from membership of the University;
    (j) expulsion from membership of the University.

38. Any student on whom the penalty of expulsion from membership of the University has been imposed is no longer eligible to be registered for a programme of study or a component of a programme of study or to be awarded a qualification from the University.

39. Once the decision as to penalty is made, the student and other persons will return to the Hearing and the Chair will inform the student of the Panel's decision as to penalty.

40. After the Hearing, the Secretary will send the student written confirmation of the Panel's decision, and information on the student's right of appeal. A request to formalise any undertaking will normally be made at this time.

Appeals

41. The student may appeal a decision of the Senate Discipline Panel or of a Chair of the Discipline Pool or of an Officer with Summary Jurisdiction or of the Director of Estates and Facilities

Management to the Senate Discipline Appeals Panel upon any one or more of the following grounds:

(a) that there was a material procedural irregularity which rendered the process leading to the initial decision unfair;
(b) that the penalty imposed was too severe as being disproportionate to the gravity of the charge admitted or found to have been made out;
(c) that material of which the student could not reasonably have been expected to have been aware at the time of the initial decision casts substantial doubt upon the appropriateness of that decision.

42. Notice of appeal, specifying which of the grounds listed in the preceding paragraph is relied upon, will be given, within 15 working days of the notification to the student of the decision of the Senate Discipline Panel or of the decision of the Chair of the Discipline Pool or of the decision of the Officer with Summary Jurisdiction or the Director of Estates and Facilities Management, to the Chief Operating Officer who will refer the appeal to a Senate Discipline Appeals Panel Hearing.

43. An appeal may be made, regardless of whether or not the student has successfully completed their programme of study.

44. Where a student gives notice of appeal against a decision of the Senate Discipline Panel that they be expelled from membership of the University, they may be permitted to continue with their studies and sit any assessments pending the Hearing of that appeal. Any such assessments will only be marked and a grade or mark recorded where the appeal is upheld and the student's membership of the University reinstated.

45. The student will be given at least 15 working days' notice of the date of the Appeals Hearing.

46. The Chief Operating Officer may refer a case to a Senate Discipline Appeals Panel in any case where no valid notice of appeal has been given but where there appear to be grounds for believing that the original decision was unsafe or unsatisfactory.

47. At the Appeals Hearing, the student may be accompanied by a friend or representative, whether legally qualified or not. The officer may be appointed to act as respondent to the appeal and may be similarly accompanied. A representative may speak and act on behalf of the student or any officer as the case may be. The student and any officer may each address the Appeals Panel as to the grounds of the appeal, and the student may reply to the arguments adduced by any officer.

48. The purpose of the Appeals Hearing is not for the Appeals Panel to rehear the case but to determine whether the student's ground(s) of appeal is made out.

49. If the Appeals Panel finds that the student's ground(s) of appeal is made out, it may uphold the appeal in whole or in part and may as the case requires:

(a) quash the decision; *or*
(b) substitute a different penalty; *or*
(c) refer either the matter as a whole or the decision as to penalty for rehearing by a differently-constituted Senate Discipline Panel or by a different disciplinary procedure established under this Regulation.

50. The Appeals Panel will (in the absence of all other persons) consider the statements made and material presented, in order to decide the outcome of the student's appeal.

51. Once the decision as to the student's appeal is made, the student and other persons will return to the Hearing and the Chair will inform the student of the Appeals Panel's decision.

52. After the Appeals Hearing, the Secretary will send the student written confirmation of the Senate Appeal Panel's decision, and a Completion of Procedures Letter.

Penalty

53. In determining the penalty to be imposed at any stage of the proceedings, consideration may be given to, but not limited to, the following factors:

    (a) the seriousness of the misconduct;
    (b) the harm or damage caused or which could have been caused by the misconduct;
    (c) the advantage gained or which could have been gained by the student as a result of the misconduct;
    (d) the intent and planning involved in the misconduct;
    (e) the impact of the misconduct on the University community in general or a particular member or members of that community or members of the public;
    (f) the impact of the misconduct on the University's good name and reputation;
    (g) reparation by the student to the individual(s) impacted by the misconduct and to the University;
    (h) whether the student has admitted to the misconduct and when such an admission took place;
    (i) whether the student has engaged and cooperated with the disciplinary process;
    (j) whether the student has shown remorse and/or insight into the impact of the misconduct;
    (k) any previous misconduct by the student;
    (l) any breach of an undertaking previously given by the student;
    (m) the personal circumstances of the student to include any mitigating factors supported by evidence as appropriate;
    (n) the welfare of the student.

Discipline Pool, Senate Discipline Panel, and Senate Appeals Panel

54. There will be a Discipline Pool which will consist of:

    (a) at least three academic members of the staff appointed by the Senate to be Chairs of Senate Discipline Panels;
    (b) Faculty Directors of Education and Research & Innovation and their deputies;
    (c) at least seven members of the academic staff appointed by the Senate;
    (d) at least two professorial equivalent non-academic members of the staff appointed by the Senate to be Chairs of Senate Discipline Panels for matters relating to non-academic misconduct;
    (e) Professional Services Staff nominated by the Chief Operating Officer, or their nominee;
    (f) Two student members nominated by the President of the Students' Union;
    (g) Individuals will normally be appointed to no more than two terms as a member of the Discipline Pool. One term will last no more than three years.

55. The Senate Discipline Panel acting in respect of any matter will be convened by the Chief Operating Officer and will comprise the following members drawn from the Discipline Pool:

    (a) a Chair, appointed under paragraph 54(a) or 54(d);
    (b) one other member of the Discipline Pool;
    (c) one student member appointed by the President of the Students' Union (or if the President is unable to act, by the Education Officer of the Students' Union).

A Secretary to the Panel will be appointed by the Chief Operating Officer and will normally be drawn from the Student Conduct and Appeals Team.

56. There will be a Senate Discipline Appeals Panel which will be convened by the Chief Operating Officer and will comprise:

    (a) a Chair of the Discipline Pool (other than a member of the Senate Discipline Panel for the particular matter);
    (b) a senior member of the academic staff appointed by the Chief Operating Officer;
    (c) an officer of the Students' Union (other than a member of the Senate Discipline Panel for the particular matter) appointed by the President of the Students' Union (or if the President is unable to act, by the Education Officer of the Students' Union).

    A Secretary to the Senate Discipline Appeals Panel will be appointed by the Chief Operating Officer and will normally be drawn from the Student Conduct and Appeals Team.

57. If for any reason no Chair of the Discipline Pool is able to act, the Chief Operating Officer may appoint another person to act as a Temporary Chair, and that person may be a member of the academic staff of another University. If for any reason no officer of the Students' Union is able to act, the President of the Students' Union (or if the President is unable to act, the Education Officer of the Students' Union) may appoint another member of the Students' Union.

58. The following individuals may not be a Chair of a Summary Hearing or a member of the Senate Discipline Panel or the Senate Discipline Appeals Panel:

    (a) any individual involved in making the charge;
    (b) any individual who is a witness;
    (c) any individual who has otherwise previously been directly involved with the case or with the student being charged.

59. The student may object to a Chair of a Summary Hearing, membership of the Senate Discipline Panel or the Senate Discipline Appeals Panel. If the student objects to a Chair of a Summary Hearing, an alternative Chair of the Discipline Pool shall determine whether that Chair be excluded from consideration of the case and a new Chair appointed. If the student objects to any Panel member, the Chair shall determine whether that member should be excluded from consideration of the case and a new member appointed. If the student objects to the Chair of a Panel, the members of that Panel shall determine whether the Chair be excluded from consideration of the case and a new Chair appointed.

Precautionary Measures and the Suspension of Students

60. Reference in these Regulations to the President & Vice-Chancellor includes the Provost & Deputy Vice-Chancellor and reference to the Vice-President means the Vice-Presidents for Education and Research & Innovation, and their Deputies.

61. The putting in place of precautionary measures or a suspension is a neutral act and does not indicate that the University has concluded that the student is guilty of misconduct and/or a criminal offence; it is a temporary measure pending the outcomes of the completion of proceedings under these Regulations, the trial of the charges or the completion of the police investigation.

62. A student who is the subject of a report of misconduct or against whom a criminal charge, criminal trial or appeal, police investigation is pending may be subject to precautionary measures or a suspension or exclusion pending the completion of proceedings under these

Regulations, the trial of the charges or the completion of the police investigation.

63. A Risk Assessment Panel will be convened where there are circumstances involving a student or students which warrant an evaluation of the risks to the students involved, the University community in general or a particular member or members of that community or members of the public, or to ensure there is no mis-use of the University's systems or damage caused to its interests or property, or to the carrying out of a full and proper investigation.
64. The Risk Assessment Panel will be chaired by the Associate Director of Student and Academic Services (Student Health, Wellbeing and Support Services) or their nominee and will usually include representatives from appropriate professional services directorates and Schools as relevant to the case and recognising paragraphs 83-85 below relating to the sharing of information.
65. The Risk Assessment Panel will consider the information available at the time of its meeting and may recommend to the Deputy Chief Operating Officer (Student) any precautionary measures considered necessary to protect the University community in general or a particular member or members of that community or members of the public, or to ensure there is no mis-use of the University's systems or damage caused to its interests or property, or to ensure that a full and proper investigation can be carried out. Precautionary measures may include, but are not limited to, specific arrangements in relation to the student's programme of study; University owned or managed or leased accommodation; access to specific places, facilities or activities; and restrictions on the student contacting a named person or persons.
66. The student will be notified in writing of the precautionary measures and will be given the opportunity to make written representations. A record will be kept in writing of the precautionary measures and any subsequent action taken by the Associate Director of Student and Academic Services.
67. The Risk Assessment Panel will review the precautionary measures and any written representations made by or on behalf of the student every ten weeks, or where there is a material change of circumstances.
68. Any breach by the student of the precautionary measures may be reported for consideration for investigation and/or hearing and/or for consideration of a suspension under this Regulation.
69. Where the precautionary measures referred to in the preceding paragraphs are not considered sufficient to protect the University community in general or a particular member or members of that community or members of the public, or to ensure there is no mis-use of the University's systems or damage caused to its interests or property, or to ensure that a full and proper investigation can be carried out, the Risk Assessment Panel may recommend to the Deputy Chief Operating Officer (Student) that the student be considered for a suspension or exclusion by a Vice-President pending the completion of proceedings under these Regulations, the trial of the charges or the completion of the police investigation.
70. Where on the information available at the time, there appears to be a very real and immediate risk to the University community in general or a particular member or members of that community or members of the public, or to ensure there is no mis-use of the University's systems or damage caused to its interests or property, or to the carrying out of a full and proper investigation, the student may be considered for a suspension by a Vice-President pending the completion of proceedings under these Regulations, the trial of the charges or the completion of the police investigation, without prior consideration by a Risk Assessment Panel.

71. Suspension may involve exclusion from all premises owned, managed or leased by the University and activities of the University or may be limited to specified places or activities or by reference to time or other circumstances. It may include a requirement that the student have no contact of any kind with a named person or persons. The Vice-President will limit the scope of any suspension or exclusion to that which is, in their opinion, necessary to achieve the protection of the University community in general or a particular member or members of that community or members of the public, or to ensure there is no mis-use of the University's systems or damage caused to its interests or property, or to ensure that a full and proper investigation can be carried out.

72. The student will be notified in writing of the terms of the suspension or exclusion and a record will be kept in writing of the terms of any suspension or exclusion and any subsequent action taken by a Vice-President in respect of the suspension or exclusion.

73. Before the Vice-President exercises their powers under the preceding paragraphs 69 to 72, the student will be given an opportunity to make representations in writing. In cases of great urgency, the Vice-President may suspend a student with immediate effect, and without giving any such opportunity, for a period of not more than five working days, and will in any such case review the suspension or exclusion at or before the end of that period having in the meantime given the student concerned an opportunity to make representations in writing.

74. The Vice-President will review any suspension or exclusion and any written representations made by or on behalf of the student every six weeks, or where there is a material change of circumstances.

75. Any breach by the student of the suspension may be reported for consideration for investigation and/or hearing under this Regulation.

76. The student may appeal the decision of the Deputy Chief Operating Officer (Student) to put in place precautionary measures or a Vice-President to suspend or exclude upon one or more of the following grounds:

    (a) that there was a material procedural irregularity which rendered the process leading to the decision of the Deputy Chief Operating Officer (Student) to put in place precautionary measures, or a Vice-President to suspend, unfair;
    (b) that the terms of the precautionary measures or suspension were too severe as being disproportionate to the protection of the University community in general or a particular member or members of that community or members of the public or to ensure that a full and proper investigation can be carried out;
    (c) that the decision of the Deputy Chief Operating Officer (Student) to put in place precautionary measures, or a Vice-President to suspend, was manifestly unreasonable.

    Notice of appeal specifying which of the grounds listed in the preceding Regulation is relied upon, will be given by the student to the Chief Operating Officer, within 5 working days of the notification to the student of the decision of the Deputy Chief Operating Officer (Student) to put in place precautionary measures or the decision of the Vice-President to suspend or exclude the student.

77. The Chief Operating Officer will refer the appeal to a Faculty Director of Education or Director of Professional Services in the case of a decision of the Deputy Chief Operating Officer (Student) and to the President and Chancellor in the case of a decision of the Vice-President, in order that they may decide whether or not to set aside or vary the terms of the precautionary measures or suspension.

Notice to the Student

78. The written communication to the student will fulfil any requirement of giving notice or information to the student under these Regulations.

Disability

79. Reasonable adjustments will be considered in line with the University's duties under the Equality Act 2010, to take account of the individual needs of the student and a record will be kept of any adjustments made, and of any communications related to considering or making adjustments.

Provisions as to Examinations

80. Where a penalty imposed under this Regulation includes the refusal of credit for any unit (or part thereof), the student will be deemed to have taken and failed the assessment in that unit or component with no grade being returned and the results of any relevant examination will reflect (and if already approved will be revised to reflect) that position.
81. Where a penalty imposed under this Regulation includes for a thesis of a Higher Degree by Research failure in the examination, a viva shall not be held in relation to that examination/thesis.

Student Record

82. The student's record will be updated to make reference to the fact that a disciplinary investigation or hearing took place and where the misconduct is or admitted or made out, this may be taken into account when an academic reference is written.

Sharing of Information

83. All aspects of the discipline process will be in accordance with the General Data Protection Regulation and Data Protection Act 2018, as well as all legislation enacted in the UK in respect of the protection of personal data ("Data Protection Legislation"). There may be circumstances where the University will need to share information with those deemed to have a legitimate interest.
84. Where a victim or other third party has been involved in, or affected by, an incident which is the subject of consideration for disciplinary action, they will normally be informed as to the disciplinary action to be taken and the outcome.
85. The University may publish a statement concerning the disciplinary action taken. In determining whether to do so, consideration will be given to the impact on the University community, any prior publicity, the interests of the student and any other parties involved, and the reputation and good name of the University.

Relationship with the Fitness to Practise Procedure

86. A student following a programme specified in the published Fitness to Practise Procedures may be subject to action in line with the General Regulations relating to Student Fitness to Practise, in addition to that taken in line with the Regulations relating to the Discipline of Students.
87. Where an allegation is not admitted, it will usually be referred to the disciplinary process in

order to determine whether the allegation/charge is made out and, if so, penalties may be applied. Upon the conclusion of the disciplinary process, the matter may be considered further in line with the General Regulations relating to Student Fitness to Practise and further action may be taken in line with those Regulations.

88. A student may be suspended in line with the General Regulations relating to Student Fitness to Practise or the Regulations relating to the Discipline of Students pending the conclusion of the above Fitness to Practise or Student Discipline procedures.

Disciplinary Powers of the Students' Union

89. The Students' Union will, subject to these Regulations, have power to prevent misconduct in the premises and areas assigned to the Students' Union and may exercise discipline over its members under such rules as may be made under the Constitution of the Students' Union and approved by the Senate.

Independent Review

90. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Sheffield is a member of this scheme. If the student is unhappy with the outcome, they may be able to ask the OIA to review their case. Information about making a complaint to the OIA, what it can and cannot look at, and what it can do to put things right can be found at: https://www.oiahe.org.uk/students.

    The student normally needs to have completed the Discipline Appeal procedure before they can complain to the OIA. The student will receive a **"Completion of Procedures Letter"** when they have reached the end of the procedure, and there are no further steps they can take internally.