

## **7. DISCIPLINARY REGULATIONS FOR STUDENTS**

**7.1** The University has confirmed three principles, which support the assertion of disciplinary jurisdiction over Students, as follows:

(a) Universities are communities whose members work, and often live, in close proximity. This requires certain standards of behaviour. It also places obligations on universities which owe a duty of care and responsibility to the members of that community.

(b) Universities are organisations committed to certain standards and values, inherent in their aims, objects and missions.

(c) Universities are entitled to protect and defend their good names and reputations.

### **7.2 Authority**

Article 24 of the Charter of the University and Section 19.31 of the Statutes (see the University's Charter and Statutes at: <http://www.bath.ac.uk/charter>) confer on the Senate the power to make Regulations to regulate, amongst other things, the education and discipline of the students of the University. The Students' Union has its own constitution, whose provisions are subject to approval by the University Council and apply to all members of the Students' Union.

### **7.3 General Definition of Misconduct**

(a) The essence of misconduct under these Regulations is improper interference, in the broadest sense, with the proper functioning or activities of the University or of those who work or study in the University; or action which otherwise damages the University.

(b) The following paragraphs elaborate this general principle, but should not be considered exhaustive. Since these Regulations are not an Act of Parliament, nor part of the law of the land, they do not seek to reflect or incorporate the approach of the criminal law in defining criminal offences with great precision. Their purpose is to regulate Students' behaviour as Students of the University in order to secure the proper working of the University.

(c) Nevertheless, serious consequences may follow a finding of misconduct. It is therefore necessary in every case for it to be shown that the conduct in question does fall within the general guidance in paragraph 7.3 (a) before it may be characterised as misconduct. It is also open to a Student facing a complaint of misconduct to argue that the conduct in question, whether or not falling within one or more of the following paragraphs, should not be treated as misconduct because it does not interfere or damage in the manner contemplated by the rubric.

### **7.4 Particular Definition of Misconduct**

In particular and by way of illustration but not limitation, the following shall (subject to the above) constitute misconduct:

(a) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University whether on University premises 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 offensive behaviour or language whilst on University premises or engaged in any University activities

(d) 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

(e) action likely to cause injury or impair health or safety on University premises including:

(i) the driving of motor vehicles in a dangerous, reckless or careless manner on any part of the University site

(ii) the use of any mode of personal transport or conveyance in pedestrian areas on the University site, other than where duly authorised because of disability

(iii) improper interference with the services or plant of the University or the fabric of any part of the University estate or with fire alarm systems or fire fighting and safety equipment

(iv) walking on any roof without obtaining official permission from the Director of Estates

(v) dropping or throwing an object from a high-rise building

(vi) diving, swimming, paddling, boating or using the University lake in any other way without the permission of Security Services.

(vii) smoking in, or in close proximity to, any building of the University. Smoking is also not permitted in the Underdeck, the Library Balcony or on the Parade, except in designated smoking areas

(viii) unless duly authorised, using or causing to be used in the University precincts any means of sound reproduction or amplifying device so as to cause offence or inconvenience to other members of the University or to visitors

(ix) parking motor vehicles or bicycles in any place in the University precincts not specifically authorised for that purpose nor otherwise than in accordance with the rules from time to time prescribed by the University

(x) unless duly authorised taking firearms, imitation firearms, fireworks, explosives or any highly combustible materials or any article which is made, adapted or intended to be used as an offensive weapon, into any University premises.

(f) bullying, harassment, sexual violence or misconduct, or any other behaviour proscribed under the Dignity and Respect policy; that impacts on any Student, member of staff or other employee of the University or any visitor to the University

(g) breach of the provisions of the University's Codes of Practice on Freedom of Expression, Health and Safety, Residential Rules and any other Code or University rule or regulation which provides for breaches to constitute misconduct under these Regulations

(h) the use of unfair means in any examination or assessment procedure, including

- cheating, for example unauthorised reference to notes or course material in an examination
- fabrication, e.g. reporting on experiments never performed
- falsification, e.g. misrepresentation of the results of experimentation
- plagiarism, i.e. taking the writings or ideas of another and representing them as one's own (see Regulations 15.3(e) and 16.1(k))
- duplication of one's own work, i.e. submitting as if for the first time and without acknowledgement, content which has previously been assessed (i) damage to, or defacement of, University property or the property of other members of the University community or authorised visitors caused intentionally or recklessly, and misappropriation of such property

(j) misuse or unauthorised use of University premises or items of property, including computer misuse

(k) taking video or photographic recordings of members of staff other than for personal use without their express consent

(l) possession of any drug or drugs, possession of which, unless prescribed for the student by a registered medical practitioner, would render the student liable to prosecution

(m) conduct which could constitute a criminal offence where that conduct –

- (i) took place on University premises, or
- (ii) affected or concerned other members of the University community, or
- (iii) damages the good name of the University, or
- (iv) itself constitutes misconduct within the terms of these Regulations, or
- (v) is an offence of dishonesty where the Student holds an office of responsibility in the University

(n) behaviour that brings the University into disrepute, including that which occurs off campus

(o) 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

(p) using or allowing others to use a University Library / Identity Card for purposes other than identification or access by the person named on the card, or misusing the card in any other way.

(q) disciplinary action may be taken against students who make accusations against other students or staff which are not substantiated and where there are reasonable grounds to believe that the accusations have been made maliciously or in bad faith

(r) failure to comply with a previously-imposed penalty under these Regulations

## **7.5 Categorisation of misconduct**

The University will categorise the severity of misconduct according to that misconduct meeting one or more of the criteria in the categories listed below.

### Category A

No or minimal harm or disruption caused, or a limited impact on the proper functioning or activities of the University, or an accidental or inadvertent breach.

### Category B

Moderate harm or disruption caused, or a moderate impact (or risk thereof) on the proper functioning or activities of the University.

### Category C

Any misconduct directed at an individual or individuals.

Significant harm or disruption caused, or a severe impact (or risk thereof) on the proper functioning or activities of the University, or sustained or repeated misconduct.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 25 September 2019*