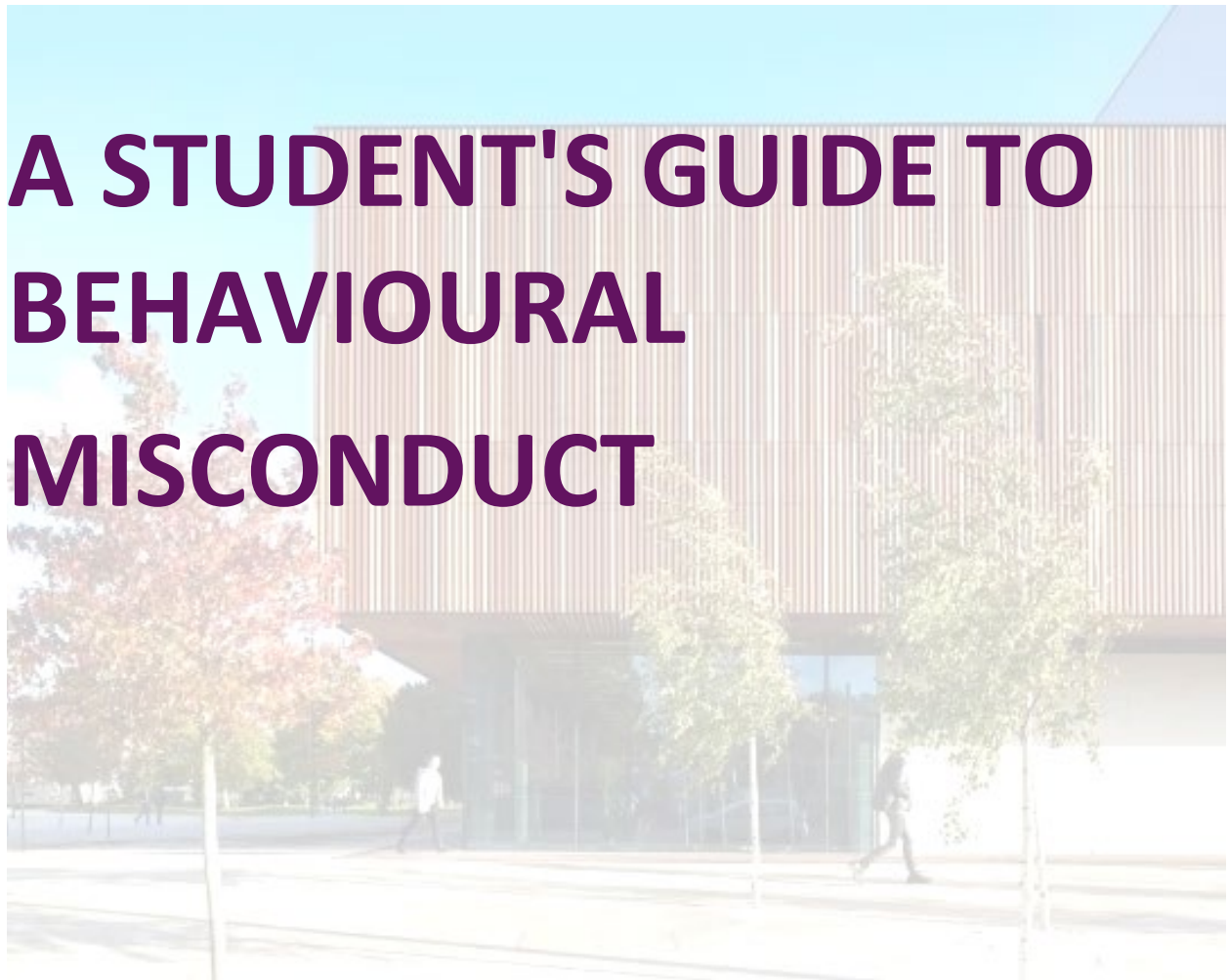




UNIVERSITY OF  
PORTSMOUTH

# A STUDENT'S GUIDE TO BEHAVIOURAL MISCONDUCT



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E: [studentcasework@port.ac.uk](mailto:studentcasework@port.ac.uk)

W: <http://www.port.ac.uk>

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## **1. What is the Student Conduct Policy?**

1.1 The Student Conduct Policy sets out what the University considers ‘misconduct’ in the behaviour of students, how we investigate potential student misconduct under the policy, and the different steps of the process.

1.2 This student guide aims to help you understand the policy, what behavioural misconduct is and how it may affect you. You should read this guide alongside the policy. The policy is available here: <https://policies.docstore.port.ac.uk/policy-261.pdf>

## **2. Who does the Policy apply to?**

2.1 The Student Conduct Policy applies to all registered students (including those who may not actively be engaged in study, for example during a study break) and all applicants who have received a confirmed offer.

## **3. Behavioural Misconduct - What Is It, and What Is Expected?**

### **3.1 What is Behavioural Misconduct?**

3.1.1 Misconduct refers to actions that can harm others, break important rules, or put people at risk within the University community, whether or not the actions occurred on campus. This includes behaviours that might cause physical or mental harm, emotional distress, or damage to property. Misconduct doesn’t just affect the people involved; it can also harm the safety and well-being of others around them.

To better understand, here are some examples of expected conduct and misconduct:

### **3.2 Expected Conduct**

- Treating everyone—students, staff, and other members of the University community, as well as neighbours and others—with respect. This includes respecting people regardless of their background (such as race, nationality, disability, sexual orientation, religion, gender identity, or age).

- Ensuring Consent is given in any sexual activity. It's important to understand what consent means and how to ask for it. Consent should always be mutual, and you should make sure that everyone involved fully agrees
- Disposing of litter properly by using campus bins or taking it home with you
- Reporting any damages to University property, like broken elevators, fire alarms, or emergency exit doors

### **3.3 Examples of Misconduct**

- Carrying dangerous items, such as firearms or knives
- Engaging in violent, threatening, or indecent behaviour
- Sexual violence or harassment
- Bullying, harassment, or intimidation of anyone in the University community, including targeting people because of their background (such as race, gender, disability, or religion)
- Anti-social behaviour, like making excessive noise or littering
- Using University and social platforms (like Moodle or Wiseflow, TikTok or Snapchat) inappropriately, such as sending offensive or inappropriate messages

Understanding what constitutes good conduct versus misconduct helps everyone avoid being subject to a misconduct investigation, and creates a positive and safe environment for the entire University community.

## **4. What Is Meant by Sexual Consent?**

4.1 Sexual Consent means a person freely and willingly agrees to have sex or engage in sexual activity. Consent happens when all people involved in any kind of sexual activity agree to take part by choice. If sexual activity takes place without everyone's consent this can be harmful to everyone involved, and can breach the Student Conduct Policy.

4.2 They also need to have the freedom and capacity to make that choice. Someone doesn't have the freedom and capacity to agree to sexual activity by choice if:

- They are asleep or unconscious
- They are incapacitated from drink or drugs, or have been 'spiked'
- They are pressured, manipulated, tricked or scared into saying 'yes'
- The other person is using physical force against them

However, these are just a few examples of what consent doesn't look like.

4.3 Consent means saying "yes" only when you truly want to, not because you feel you have to or because you're unsure about what you're agreeing to. This is often called "enthusiastic consent." To make sure consent is clear, it's important to talk openly with your partner about what you both do and don't want. This helps make sure everyone feels comfortable and respected.

4.4 Consent can be withdrawn at any time and consent to one sexual act does not mean consent to a different act.

## **5. Why Do We Investigate Reports of Misconduct?**

5.1 We want everyone who is part of the University community, students, staff, applicants, and partners, to feel safe, respected and welcome. Investigating reports of misconduct is one way we reduce the risk of experiencing harmful behaviour for all of us. By looking into these reports, we can identify any issues, apply solutions, and protect the well-being of our community.

5.2 The Conduct Policy is not just about enforcing rules or applying sanctions. We believe in giving those who have contravened the policy the opportunity to learn and grow. Through these investigations, we aim to help individuals reflect on their actions and make positive changes, so they do not repeat the same mistakes. It's all about building a stronger, safer community where everyone can thrive.

## **6. How do we decide if misconduct has occurred?**

6.1 The University investigates all reports of misconduct using the same process. Under the University's Student Conduct Policy, the burden of proof is the "balance of

probabilities” which means that something is more likely to be true than not true. This means that following an investigation into misconduct, the University can decide whether it believes that something is more likely to have happened than not, based on the evidence available.

6.2 There is no expectation for reported misconduct to be proven beyond reasonable doubt (as happens in a criminal process) just that it is reasonable to believe, based on the information the University has, that the misconduct is more likely to have been carried out by the reported party than not. This also means that the University does not ever make a finding that a criminal offence has occurred, and that outcomes of the University process will not necessarily be the same outcome found in a criminal investigation, and vice versa.

## **7. How Do You Report Behavioural Misconduct to the University?**

### **7.1 How to Report**

7.1.1 We take all forms of misconduct seriously, including bullying, harassment, discrimination, and sexual violence. We’re here to support you if you ever face these challenges, and to support everyone to avoid harming others. To make sure every report is handled carefully and by the right person, we’ve created a simple way for you to speak up.

7.1.2 Tell us through [Report + Support](#). **Report and Support** is here for you, whether you’ve experienced something yourself or want to report on behalf of someone else. If you want the University to take action under the Student Conduct Policy, you should choose the option to [make an informal report requesting contact from an advisor](#).

7.1.3 You can also report an incident to any member of staff in your School or to the Students’ Union and ask them to take action under the Student Conduct Policy. Any member of the University community, students and staff, and any member of the public may raise a concern to the University.

## **7.2 If I Have Reported Misconduct and Asked for an Investigation Under the Policy to Be Conducted, Can I Change My Mind?**

7.2.1 Yes, you can change your mind after reporting misconduct, but only up to a certain point. The University wants you to have control over the process, so as long as the reported party hasn't been informed that an investigation has started, you can choose to stop the process.

7.2.2 However, if your report involves a serious risk to your safety or the safety of others, the University may need to take action even if you want to withdraw the report. In such cases, the University will always discuss the situation with you before moving forward.

## **7.3 What should I do if I am accused of misconduct?**

7.3.1 If you are suspected of misconduct, the following steps will ensure you understand the allegation, have a chance to have your say, and understand the outcome:

- **Notification:** You'll be informed in writing about the concerns and given the evidence.
- **Meeting:** You'll have an opportunity to explain your side and provide evidence.
- **Outcome:** You'll be informed of the decision and any actions to be taken.

7.3.2 students who are suspected of misconduct should try to:

- Respond promptly and honestly to any correspondence and in meetings
- Seek support from the Students' Union Advice Service or your personal tutor.
- Ask questions if there is anything you do not understand
- Let the University know as soon as possible if you will need to bring someone to meetings to help you in translating what is being said

## **8. Steps in the process**

When a concern is raised we follow a clear and structured process to ensure fair and thorough handling of the situation. Here's an overview of the steps involved:



## **8.1 Early Resolution**

8.1.1 We believe many issues can be resolved quickly and informally at an early stage. Early Resolution is the first step for most misconduct cases, where we aim to address concerns through open communication and understanding. The goal here is to resolve the matter without formal action, especially for minor issues.

8.1.2 The Early Resolution stage is supported locally within your academic school. The indicative timeframe to complete the Early Resolution phase is between 5 to 10 working days. It is important to note that these timeframes are subject to change in cases where staff or student availability is an issue (during examinations, for example)

8.1.3 Potential outcomes at this level may include warnings about unacceptable conduct, training, mediation or apologies.

## **8.2 Investigation**

8.2.1 If Early Resolution is not possible, or the situation is more serious, the next step is an investigation. During this phase, an independent investigator will gather all relevant information, including statements from both the reporting and reported parties, as well as any relevant witnesses. Both sides will have an opportunity to share their perspectives, and the investigation will be conducted fairly, with respect for everyone's rights.

8.2.2 The Investigation phase determines there is a case to be heard, and the Investigator decides if the matter is complex or serious enough to be referred to a formal escalation panel. If the Investigator believes the case can be concluded at this stage, they will decide, on the balance of probability, if misconduct was carried out or not. If they decide misconduct has occurred they will also decide the most appropriate sanction.

8.2.3 The indicative timeframe to complete the Investigation phase is between 15 to 20 working days but this may be exceeded in some more complex cases.

8.2.4 Potential outcomes at this stage include formal warnings, restrictions to specific university services and behavioural contracts. It is also possible that the outcome at this stage will be referral to a Review Panel, although the majority of cases will be concluded at this stage.

### **8.3 Phase 3 Review Panel**

8.3.1 For more complex or serious cases, the matter may be escalated to a Review Panel Hearing to decide what the outcome should be. The panel consists of independent University staff who will carefully review all the information from the investigation stage. The panel will then decide, on the balance of probability, if misconduct was carried out or not, as well as decide the most appropriate sanction.

8.3.2 If a panel is required, the case will be assigned to a Student Casework Officer in the Academic Registry to coordinate the administration and communications. The Student Casework Officer will continue to support the case through to its completion and can provide advice on the process and the right to appeal.

8.3.3 Throughout this entire process, both the reporting and reported parties will be supported equally, with access to advice, and any necessary resources to ensure a fair and transparent outcome.

8.3.4 The indicative timeframe to complete the Panel phase is between 25 to 40 working days.

8.3.5 Potential outcomes at this stage may include suspension or exclusion from the university or exclusion from accessing specific university premises and services.

### **8.4 Appeal**

8.4.1 If you disagree with the outcome of your case, you have the right to appeal, no matter which stage of the policy was followed. Appeals are managed through the Appeals Procedure.

8.4.2 You can submit an appeal for one of the following reasons:

- **Administrative Error:** If the university or assessment organization made a mistake or didn't follow proper procedures when making their decision, and you can provide evidence of this.
- **Personal Circumstances:** If personal issues prevented you from completing part of the process, and you had valid reasons for not disclosing these earlier.

8.4.3 At the end of your appeal, the University will provide you with a Completion of Procedures letter. This letter will enable you to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if you are still unhappy with the outcome. The OIA is an independent organization that provides a free and impartial service to review complaints from students about universities.

8.4.4 If your appeal doesn't meet these criteria, it may instead be treated as a [complaint](#).

## **9. Who is involved in the process?**

### **9.1 The Reported Person:**

This is the person who has been reported for potential misconduct.

### **9.2 The Reporting Person:**

This is the person who informs the University of the potential misconduct (this person may also be the impacted party). This person might be anonymous.

### **9.3 The Impacted Party:**

This person or persons have been impacted by the reported behaviour but may, or may not have, reported it.

### **9.4 The Casework Officer:**

If a matter has been escalated to the Panel Stage, a central Casework Officer will be assigned to oversee the administration of the report from beginning to end.

### **9.5 Witness/es:**

Witness/es may provide information after having witnessed the behaviour being reviewed. The witness/es may or may not also be an impacted party. Those who did not witness the behaviour being reviewed may not act as witnesses in an investigation.

### **9.6 The Investigator:**

The Investigator is a member of staff appointed to investigate the alleged behaviour and determine if misconduct has occurred. The Investigator has not been involved in the case before the investigation stage.

### **9.7 The Escalation Panel:**

The Escalation Panel is made up of a group of senior staff who will hear and make decisions on investigations. The Review Panel has not been involved in the case before the Panel Stage.

### **9.8 Supporters:**

A supporter is anyone asked to support either the reporting or reported student. This may be a member of the University community who attends meetings with the student or helps them to understand the process and access support.

## **10. What About Investigating Misconduct That Might Also Be a Criminal Offence?**

10.1 The University cannot conduct criminal investigations. Sometimes, misconduct that has been reported to the University can also be investigated by the Police as a possible criminal offence. In some cases, the University might need to postpone a misconduct investigation until the criminal investigation of the same incident has been completed.

10.2 All students are required to let the University know about relevant criminal convictions or charges they have or receive while at the University. See the [Policy on Admissions with Criminal Convictions](#) for details of relevant offences.

## **11. Reporting incidents to the Police**

### **11.1 Criminal Offences Targeted Against University PROPERTY:**

11.1.1 The University might choose to report this to the police so that a criminal investigation can be carried out.

### **11.2 Criminal Offences Targeted Against Members of the University COMMUNITY:**

11.2.1 We would support the individual's decision about whether they want to report to the police or not. We would NEVER report to the police on someone's behalf without their express consent unless there is a significant risk of harm to them or someone else.

11.2.2 With this type of misconduct, a situation may occur where a criminal investigation is going on at the same time as the Student Conduct investigation. The outcome of the Criminal Justice process will not necessarily be the same outcome found in an investigation under the Policy, and vice-versa. The two investigations would be independent of one another and the University will take steps to avoid prejudicing the Criminal Justice process.

## **12. Seeking Support**

12.1 We are committed to supporting both the reporting party and the reported party equally throughout the process and our Student Support Services Department will appoint a point of contact for any student involved in a misconduct case. We understand that these situations can be challenging for everyone involved, and we are here to ensure that all parties are treated with care and respect and receive fair treatment, guidance and support.

- **For the Reporting Party:** We offer confidential advice and resources to help you navigate the reporting process. Staff will listen to your concerns, and provide you with guidance through the process, ensuring your voice is heard.

- **For the Reported Party:** If you have been named in a report, we will offer you the same level of support. You will be treated with fairness, and we will provide information on the process, your rights, and access to support services to ensure you have a chance to respond fully and openly.

11.2 Our goal is to create a balanced, respectful approach where both sides are supported, and the process is handled with care and dignity.

11.3 Our [Student Engagement Officers](#) (specific to your Faculty) and the **Student Life team** ([studentlife@port.ac.uk](mailto:studentlife@port.ac.uk)) are also available to provide practical and emotional support throughout the student conduct process and can refer and signpost you to other internal and external support services. The Student Life team are trained Sexual Violence Liaison Officers (SVLOs), meaning that they have specialist training to enable them to support students who have experienced sexual misconduct.

11.4 We recognise students may need specific support to be able to have a fair hearing due to aspects of their identity. We are committed to supporting all students to engage with the Student Conduct Policy and can signpost to additional sources of support where relevant to your individual needs.

11.5 We also recommend that students consider accessing independent advice and support from the [Students' Union Advice Service](#).

## **12. Frequently asked questions about the Policy**

### **What Happens if the Reported Party Cannot Attend the Required Meetings?**

When the reported party cannot attend the initial meeting date/time given they can request a new date or time to be organised. If they then do not attend this meeting as well as other required meetings throughout, the case will still be considered, and a decision made in their absence.

## **Who Will Be Told About the Investigation and Its Outcome?**

### 1. Reported Parties:

Reported parties will be told the details of the allegation against them, and will be shown any evidence that will be considered. Reported parties will receive the outcome of each stage, as well as notes from any meetings that they attend. This will be carried out in line with data protection and confidentiality.

### 2. Reporting Parties:

Reporting parties will be told that the investigation or panel is complete, and will be advised of whether the allegation was found to be proven. They will be told about any sanctions or safeguarding measures which may affect them. It is important that reporting parties understand that the outcome cannot be communicated until after the period for the reported party to appeal has passed.

### 3. Anyone else?

In some cases, specific staff (such as the Head of School) may be told necessary information related to the misconduct case and its outcome.

## **What Are the Potential Outcomes of This Process for the Reported Party?**

You can see examples of the potential outcomes in the [Steps of the Process](#) section above. The potential outcomes depend on the severity of the misconduct and the University handles all allegations in a proportionate manner. Allegations are only escalated to the next stage of the process if the outcomes available at that stage are inappropriate given all the circumstances of the case.

## **What Does the University Mean by Suspension and Exclusion?**

Suspension is a temporary break in your studies. You will be suspended from all modules on your course, including assessments. While suspended you will not have access to any University resources such as the Library or your computer account. You

will however have access to your University email account, and should regularly check for updates from the University.

Exclusion from the University permanently ends your studies with us and means that you are no longer a student at the University. You will no longer have access to any University resources such as the Library or your University email account.