

## ACADEMIC REGULATION A3: STUDENT CONDUCT AND APPEALS

### INTRODUCTION

*The purpose of Regulation A3 and its constituent sections is to define and clarify the responsibilities and entitlements of students that follow from the act of enrolment, to specify the standards of conduct which are expected, and to stipulate students' entitlement to expect the University will meet its own clearly stated objectives, standards and performance targets within a supportive environment.*

*Section 1: Academic Appeals (Awards and Progression) Procedure specifies the procedures available to students to appeal against decisions of the University regarding taught awards and progression in taught courses. (The Procedure for consideration of appeals relating to research degrees is contained in Regulation A6: Research Degrees, paragraph 10, Research Degrees Appeal Procedure).*

*Section 2: Student Conduct Procedure specifies the procedure which is followed when misconduct is alleged for students on taught courses or research degrees.*

*Section 3: Student Fitness to Practise Procedure specifies the procedure which is followed when concerns are raised regarding a student's fitness to meet the professional, statutory and/or regulatory body requirements of a particular course. The University has a responsibility to ensure that all students undertaking a course of study leading to registration as a health or social care professional with a professional or regulatory body have the skills, knowledge, health and character to work effectively and safely.*

*Section 4: Student Fitness to Study Procedure specifies the procedure which is followed when concerns are raised regarding an enrolled student's fitness to study. Where these concerns relate to a student enrolled on a course leading to registration as a health or social care professional with a professional, statutory or regulatory body then Regulation A3 - Section 3: Fitness to Practise Procedure should normally be followed.*

## SECTION 2: STUDENT CONDUCT PROCEDURE

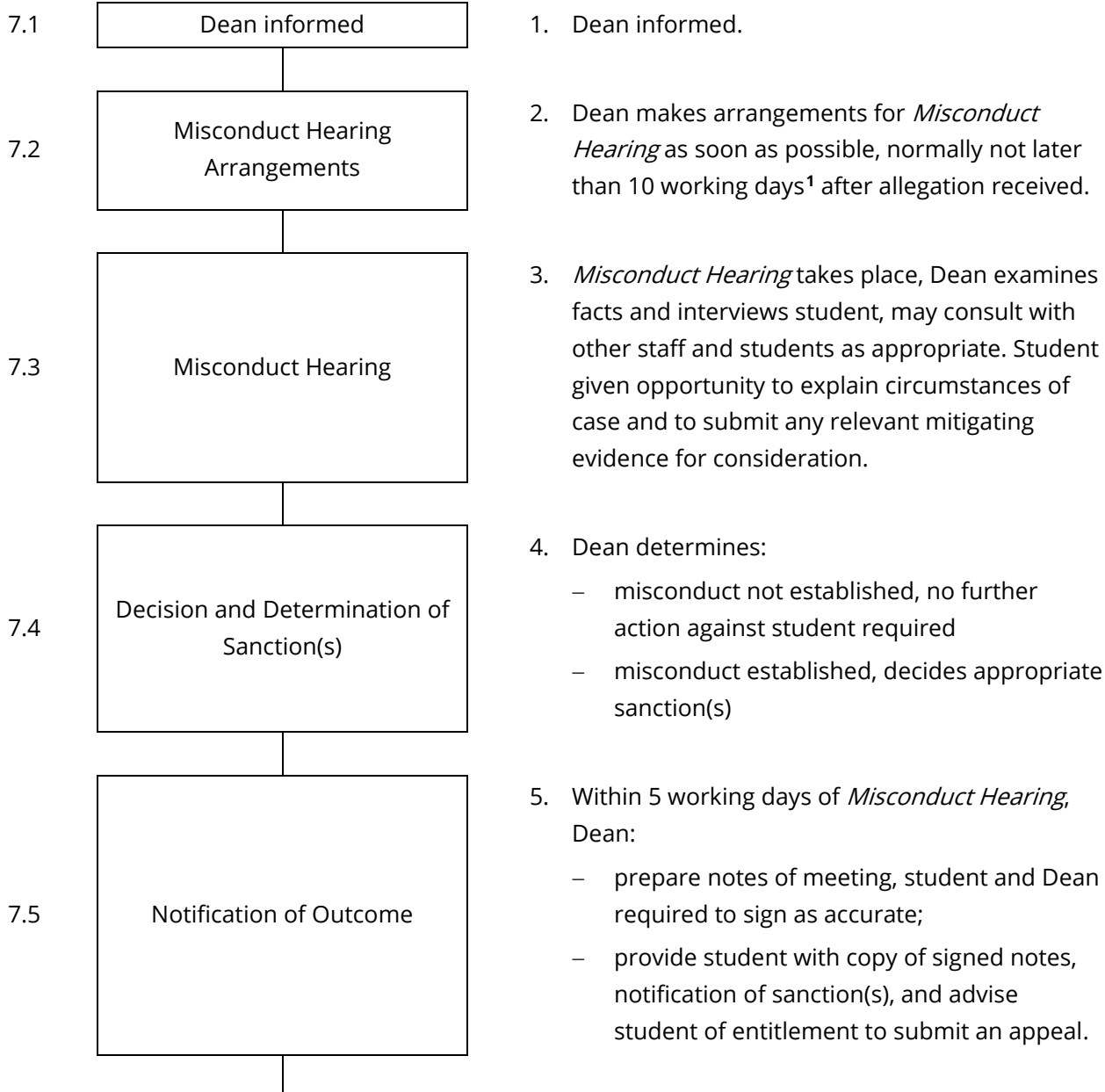
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**FLOW DIAGRAM: STUDENT CONDUCT PROCEDURE**

This diagram is for guidance only. For the specific content of the *Procedure*, reference should be made to the appropriate paragraph of the Regulation as indicated.

**Paragraph reference****Misconduct Hearing**

<sup>1</sup> And henceforth, “working days” are Monday to Friday and excludes days that the University is closed.

## Appeals

8.1

Entitlement to Appeal

6. Entitled to submit an appeal:
  - (i) against decision and/or sanction(s) if misconduct established;
  - (ii) against sanction(s) if student admitted misconduct.

8.2

Validity of Appeal

7. Valid for consideration by *Student Appeals Committee* only if submitted within 10 working days, and also on any of following permissible grounds:
  - significant procedural irregularity or material administrative error resulting in an unfair or unreasonable decision; or
  - evidence deemed insufficient to substantiate allegation; or
  - substantial evidence not previously known; or
  - substantial evidence demonstrates sanction disproportionate; or
  - criteria used to determine proportionate sanction not appropriately applied.

8.3

Student completes  
*Student Appeal Form: Misconduct*

8. Student completes *Student Appeal Form: Misconduct* submits to Dean normally within 10 working days of receiving outcome. Normally within 3 working days of receipt of the form, Dean copies to Deputy Academic Registrar and Academic Quality Officer.

8.3  
to  
8.7

Where valid, *Student Appeal Form: Misconduct* considered to determine if prima facie case exists

9.1

*Student Appeals Committee* Arrangements by Department for Governance and Academic Quality

9.2

*Student Appeals Committee* Meeting

9. Where appeal is valid for consideration, the Academic Quality Officer liaises with Deputy Academic Registrar to determine if prima facie case exists, normally within 5 working days of them receiving the appeal:
- (i) Prima facie case: if case under paragraph 8.4.3(i)(a), Deputy Academic Registrar and Academic Quality Officer have discretion to refer case back to Dean for re-consideration. Academic Quality Officer advises student in writing normally within 10 working days of them receiving the appeal.
  - (ii) Prima facie case: if valid under any other permissible grounds, *Student Appeal Form: Misconduct* submitted to *Student Appeals Committee*. Academic Quality Officer advises student in writing normally within 15 working days of them receiving the appeal.
  - (iii) No prima facie case: Case dismissed. Academic Quality Officer advises student in writing normally within 15 working days of them receiving appeal.

### **Student Appeals Committee**

10. Governance and Academic Quality advises of *Student Appeals Committee* arranges meeting at earliest opportunity, normally at least 10 working days prior to meeting.
11. *Student Appeals Committee* meeting takes place, Committee examines facts and interviews student, and other staff and students as appropriate. Student given opportunity to explain circumstances of case and to submit any relevant mitigating evidence for consideration.

9.3

Outcome of Appeal

9.4

Notification of Outcome

12. (a) Appeal against decision, Committee shall determine either:

- appeal dismissed, misconduct established, decision confirmed, and sanction(s) confirmed or modified; or
- appeal be upheld, misconduct not established, decision annulled and sanction cancelled.

(b) Appeal against sanction(s) Committee shall determine either:

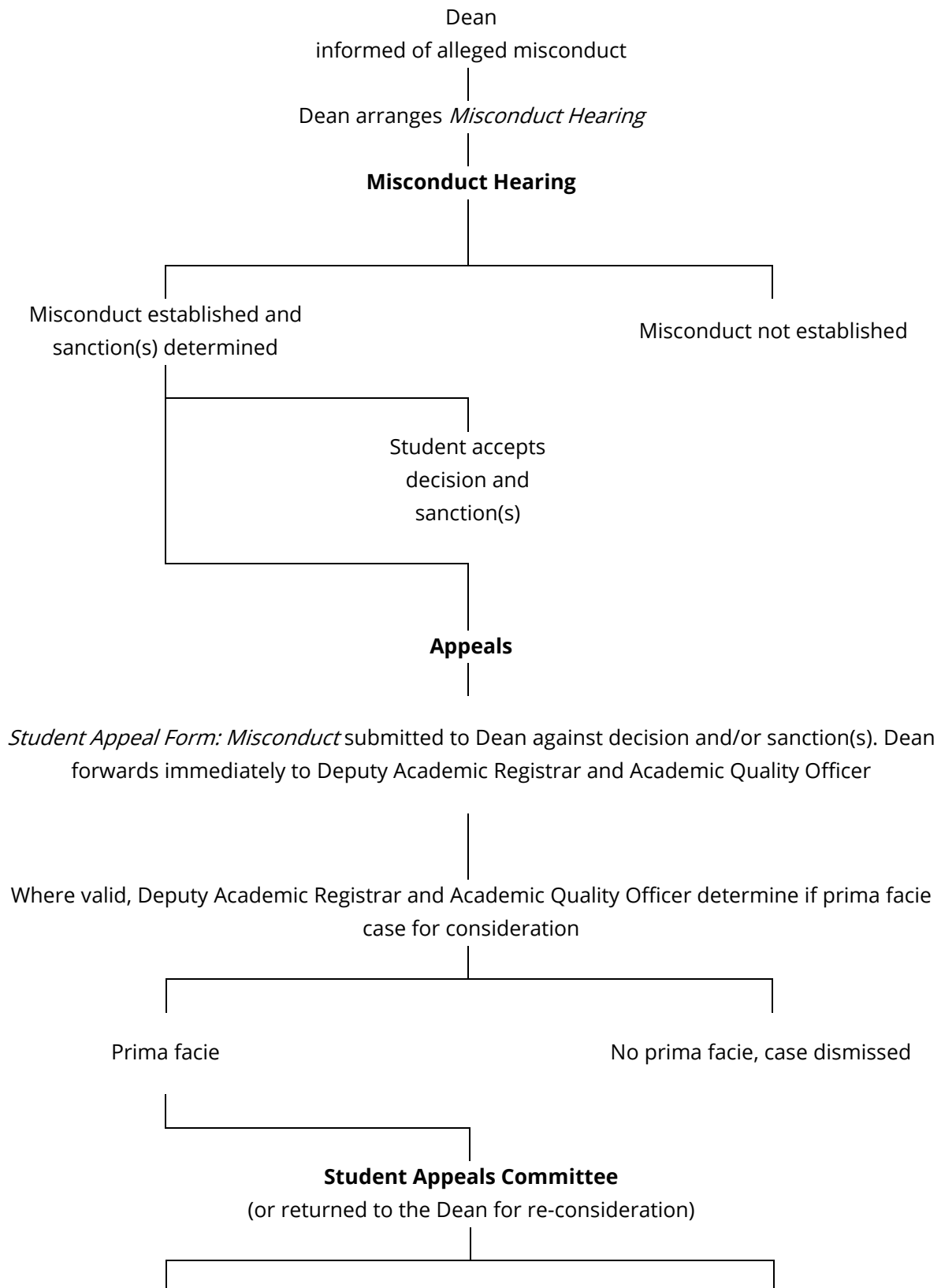
- appeal dismissed, sanction(s) confirmed; or
- appeal upheld, lesser sanction(s) substituted.

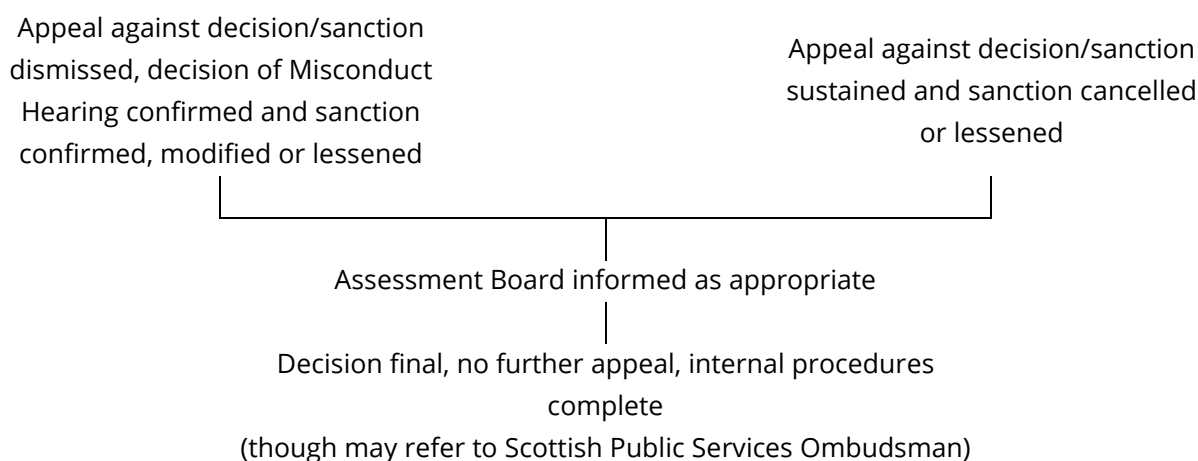
12. Within 5 working days of *Student Appeals Committee* meeting, Convener:

- (i) issues written notification of outcome to student, decision of *Student Appeals Committee* final, student may refer to *Scottish Public Services Ombudsman*;
- (ii) where case involves *academic misconduct* in taught course, forward outcome to Dean/Assessment Board Convener for submission to Assessment Board.

**SCHEMATIC DIAGRAM: STUDENT CONDUCT PROCEDURE**

This diagram is for guidance only. Please refer to the Regulation for details.





## REGULATION

### 1. APPLICABILITY OF REGULATION

- (i) The *Student Conduct Procedure* shall apply to all enrolled students of the University.
- (ii) For the purposes of this *Procedure*, residents of the University's student accommodation are deemed to be enrolled students of the University.

### 2. STATEMENT OF PRINCIPLES

This Regulation and its constituent sections have been prepared:

- (i) to ensure the authority and responsibilities of Academic Council are effectively discharged through those designated office holders referred to in this Regulation, and that these designated office holders, or their nominees who deputise on their behalf, act with the delegated authority of Academic Council;
- (ii) to reflect the principles of natural justice, including the assumption of innocence until guilt is determined, in the context of any matter which affects a student's educational progress and well-being;
- (iii) to ensure equality of treatment of students by providing transparent, consistent and accessible procedures;
- (iv) to ensure that appeals and disciplinary actions are resolved as close as possible to their point of origin, with a minimum of formality, and as expeditiously as possible; and to ensure that, as far as is reasonably practicable, all interested parties are kept informed of progress of an investigation or appeal;
- (v) to assure the identity and circumstances of all parties involved in investigations or appeals remain confidential unless disclosure is necessary to progress an investigation



or appeal, in which case an identity will only be revealed judiciously to those directly involved in an investigation or appeal or with the prior approval of the subject;

- (vi) to ensure any student will not be disadvantaged because they contribute to an investigation, lodges an appeal or raises a complaint;
- (vii) to ensure that information revealed in the process of investigations or appeals will, where appropriate, inform a deliberate and expeditious improvement in a service which is within the control of the University;
- (viii) to ensure that the Regulation will not hinder a person's rights under the Laws of Scotland, the legal context in which these Regulations operate for all students enrolled with the University;
- (ix) on the basis that the standard of proof to be used when allegations of misconduct are investigated shall be the balance of probabilities.

### **3. UNIVERSITY OBLIGATIONS**

#### **3.1 Obligations to Applicants**

The University's obligations to its applicants are:

- (i) to provide information to potential applicants that will describe the applications procedure and assist them to make an informed choice of course and, where appropriate, an application for accommodation;
- (ii) to specify the qualification awarded on the successful completion of the course and whether it is recognised as part of, or leads to, a professional qualification;
- (iii) to provide a statement of the fees payable together with an indication of any additional equipment or material costs for which the student may be liable;
- (iv) to ensure the process of selection is conducted fairly and the selection criteria take account of a broad and reasonable range of qualifications;
- (v) to take all reasonable steps to provide the educational services described in the prospectus and other promotional material.

#### **3.2 Obligations to Students**

The University's obligations to its students are:

- (i) to provide information on the aims, structure and content of the course, and an outline of the teaching and learning methods employed, with particular reference to the mix of

- practical, lecture and tutorial sessions together with details of sandwich and/or work placement elements where these apply;
- (ii) to provide a timetable of classes with any attendance requirements clearly specified;
  - (iii) to provide clear and timely information on methods of assessment, and the scheduling of all assessments;
  - (iv) to provide students with the appropriate opportunity to express their views on the quality of teaching, academic facilities, and other support services through the University's quality control procedures;
  - (v) to provide accommodation in accordance with the *Conditions of Lease*;
  - (vi) to attend promptly and fairly to enquiries and queries from students relating either to their course or to the range of student services offered by the University;
  - (vii) to deal fairly and promptly with appeals against decisions concerning academic awards and progression in accordance with the *Academic Appeals – Awards and Progression Procedure* set out in [Section 1](#) of this Regulation;
  - (viii) to deal fairly and promptly with all allegations of misconduct in accordance with the *Student Conduct Procedure* set out in [Section 2](#) of this Regulation;
  - (ix) to assure the identity and circumstances of all complainants and appellants remains confidential, unless disclosure is necessary to progress an investigation or appeal, in which case the identity of the complainant or appellant will only be revealed judiciously to those directly involved in an investigation or appeal or with the prior approval of the complainant;
  - (x) to ensure that information revealed in the process of investigations or appeals will, where appropriate, lead to timeous corrective action or inform a deliberate improvement in a service which is within the control of the University;
  - (xi) to take all reasonable steps to minimise any disruption to educational provision, caused by circumstances beyond the control of the University such as natural disaster or industrial action.

## **4. STUDENT OBLIGATIONS AND CONDUCT**

### **4.1 Student Obligations**

It is the obligation of each student (for research students see also *Regulation A6: Research Degrees*, paragraph 1.3.2):

- (i) to meet any attendance requirements set by the School or laid out in the Course Specification and to acknowledge that failure to do so may be taken into account by the relevant Assessment Board;
- (ii) to attend timetabled assessments, and to submit work for assessment within the notified time limit and in accordance with the conditions for the course to which the submission relates, or to notify the tutor or Dean timeously of any special circumstances which may prevent them achieving this;
- (iii) to notify the tutor or Dean timeously of any special circumstances which may adversely affect their academic performance;
- (iv) to declare, where deemed necessary by an associated professional, statutory and/or regulatory body, any personal circumstances pertinent to achieving and/or retaining the membership of that body;
- (v) who is a resident of University accommodation, to comply with and be bound by the *Conditions of Lease* throughout their tenancy;
- (vi) to pay by the due dates all University or partner institution fees, loans, fines, rent and such other sums and return any property as may be due to the University or partner institution, and to acknowledge that, in the event of failure to do so, the University or partner institution is entitled to take appropriate action, which may include, but need not be limited to, one or more of the following:
  - (a) suspension or discontinuation of enrolment;
  - (b) withholding a University or partner institution award, only where this relates to tuition fees;
  - (c) referral to a debt collection agency;
  - (d) where relevant, eviction from the University's student accommodation;
- (vii) to fulfil the University's published requirements for enrolment for assessment.

## 4.2 Student Conduct

All students of the University are subject to the jurisdiction of the Principal in respect of their conduct:

- (i) Students are expected to behave courteously, and not to engage in behaviour which is, or is likely to be, prejudicial to the good order or to the reputation of the University.
- (ii) Students are required to treat University property and equipment with respect.

- (iii) Students are required to abide by all requirements for professional conduct and behaviour be they defined by the University or an associated professional, statutory and/or regulatory body and be aware that failure to do so may result in the submission of a report to the relevant professional, statutory and/or regulatory body.
- (iv) Students are expected not to attempt to gain unfair advantage in assessments and examinations.
- (v) Students must adhere to the requirements of any applicable legislation.
- (vi) Students, who are residents of University's student accommodation, must adhere to the provisions of the *Conditions of Lease*.
- (vii) Breaches of the above will be deemed to constitute misconduct, and will be dealt with as specified in [paragraph 4.3](#).

### 4.3 Misconduct

Where misconduct is alleged in respect of [paragraph 4.2](#) of this Regulation, students shall be liable to disciplinary procedures provided for in the *Student Conduct Procedure*, as contained in this Section of Regulation. Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the *Student Conduct Procedure*.

## 5. ENROLMENT, SUSPENSION AND TERMINATION

### 5.1 Enrolment status pending an Appeal

- 5.1.1 Where a student has had their studies discontinued or progression curtailed and an appeal is pending, the student's enrolment and progression shall be continued and, assuming all pre-requisites for the modules concerned have been met, the student shall be permitted to attend classes and to undertake assessments pending the resolution of the appeal. Any such enrolment shall in no way imply that the student's appeal will be successful or that the student's desired outcome shall be approved.
- 5.1.2 No student will be evicted from the University's student accommodation whilst an appeal is pending.

### 5.2 Suspension of a student and/or process pending an Investigation

- 5.2.1 *Suspension:* A student who is the subject of an allegation of misconduct and/or against whom a criminal charge is pending and/or who is the subject of police investigation and/or other external investigation, may be suspended by the Principal, or nominee, pending the outcome of a *Misconduct Hearing* or *Student Appeals Committee*, or the trial, or the outcome of the police/external investigation, as appropriate. Suspension may involve:

- a total prohibition on attendance at, or access to, the University and/or its resources and facilities, and on any participation in University or Student Union activities; or
- a selective restriction on attendance at, or access to, the University and/or its resources and facilities, and on any participation in University or Student Union activities; it may also be subject to qualification, such as permission to attend for the purpose of an examination.

In taking such a decision to suspend a student's studies, the Principal or nominee shall be mindful of the requirement to report a change in a student's enrolment status to the UK Visas and Immigration service where the student is subject to UK immigration legislation.

Where misconduct proceedings have already been initiated but the allegation of misconduct is subsequently found to be the subject of a criminal charge, police investigation and/or other external investigation then the misconduct proceedings may be suspended by the Dean pending the outcome of the trial or police/external investigation.

5.2.2 *Enrolment status and suspension:* Further to the provisions of [paragraph 5.2.1](#) of this Regulation, a student who has been suspended pending the outcome of a *Misconduct Hearing* or *Student Appeals Committee* may have their enrolment continued at the discretion of the Principal or nominee.

5.2.3 *Emergency suspension:* In cases of great urgency, the Principal or nominee shall be empowered to suspend a student with immediate effect.

5.2.4 *Entitlement to make representation:* A student shall be entitled to make representations in person to the Principal or the nominee. Where it is not possible for the student to attend in person, they shall be entitled to make written representations.

5.2.5 *Review of suspension decision:* Where a student has been suspended, such suspension should be subject to review by the Principal or nominee in the light of any developments and of any representations made by the student or anyone else on their behalf.

### **5.3 Termination of Sponsorship and Consequential Termination of Enrolment**

5.3.1 The University, as an education provider, acts as a sponsor to migrants wishing to study a course/programme or a research degree at the University. As a licensed sponsor the University must comply with certain duties and legal requirements, including a duty to report to the UK Visas and Immigration service if, amongst other things:

- (i) a sponsored student does not arrive for their course either following a refusal of entry clearance or leave to remain, or where leave is granted but the student fails to enrol;
- (ii) a sponsored enrolled student is absent without permission and contrary to attendance requirements;

- (iii) a sponsored enrolled student leaves their course earlier than expected;
- (iv) a sponsored enrolled student changes the course they are studying; or
- (v) the University discontinues a sponsored enrolled student's studies.

5.3.2 As a licensed sponsor, the University has record-keeping duties. The University cannot enrol a sponsored student or continue to sponsor a migrant student unless it collects and retains certain documents required as evidence to support its decision to sponsor a student.

5.3.3 A sponsored enrolled student must provide valid documentation to the University as necessary and on request. Failure to do so within 48 hours of the request will be deemed as gross misconduct. In such circumstances the Director of Academic Administration will determine, in accordance with University's procedure for terminating sponsorship and consequential termination of enrolment as contained in [Schedule 3.2.2](#) to this *Procedure*, that:

- (i) the University terminates its sponsorship of the migrant student with immediate effect due to the breach of applicable legislation; and
- (ii) the University terminates the enrolment of the migrant student with immediate effect due to the breach of the University's stated instructions and regulations; and
- (iii) the University reports this decision to the UK Visas and Immigration service.

5.3.4 Such a decision by the Director of Academic Administration will be a final determination by the University on this matter.

## 6. CATEGORIES OF MISCONDUCT

### 6.1 Academic Misconduct (including Research Misconduct<sup>2</sup>)

6.1.1 *Academic misconduct* is defined by the University as any attempt by a student(s) to effect an unfair advantage in any assessment, and may include (though is not limited to) one or more of the following:

- (i) **False Authorship.** The University defines this as the practice of submitting work where the student is not the author of that work. The 'false authorship' may relate to the student engaging with a third party and/or software tool to complete an assessment, either in part or whole. This may include work produced by, but not attributed to: another student, an essay mill<sup>3</sup>, a family member or friend, a tutoring

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<sup>2</sup> As defined in the University's *Research Governance and Integrity Policy* and in *Regulation A6: Research Degrees*, paragraph 1.3.2.

<sup>3</sup> Essay mills are organisations or individuals, usually with a web presence, that contract to complete an assignment or assignments for a student for a fee. (<https://www.qaa.ac.uk/docs/qaa/guidance/essay-mills-and-the-case-for-legislation.pdf>)

service or the unauthorised use of Artificial Intelligence (AI) software. It may also include payment, or other favours, though this will not always be the case. It may relate to any form of assessment or conducting research.

- (ii) **Plagiarism.** The University defines this as the practice of presenting the thoughts, writings or other output of another or others as original, without acknowledgement of their source(s) at the point of their use in the student's work. All materials including text, data, diagrams or other illustrations used to support a piece of work, whether from a printed publication or from electronic media, should be appropriately identified and referenced and should not normally be copied directly unless as an acknowledged quotation. Text, opinions or ideas translated into the words of the individual student should in all cases acknowledge the original source.
- (iii) **Falsification or fabrication of data.** The University defines this as the misrepresentation of the results of experimental work or the presentation of fictitious results.
- (iv) **Collusion.** The University defines this as two or more students working together, without the prior authorisation of the Course Leader, tutor or supervisor, to produce the same piece of work, and then attempting to present this work as their own.
- (v) **Bribery.** The University defines this as the paying, offering or attempted exchange of an inducement for information or material intended to advantage the recipient in an assessment.
- (vi) **Personation.** The University defines this as a substitute taking the place of a student in an examination, preparing coursework for assessment on behalf of another student, or submitting coursework for assessment that has been prepared by someone other than the student to whom the resulting grade would be attributed.
- (vii) **Cheating.** The University defines this (in relation to examinations) as the taking of any unauthorised material (hardcopy or electronic) into an examination; the unauthorised use of technology in examinations; communicating or attempting to communicate in any way with another student during an examination; copying or attempting to copy from another student during an examination.

6.1.2 Any student who assists a fellow student, or student(s), to commit misconduct shall be deemed to have committed misconduct and will be dealt with in accordance with the *Student Conduct Procedure*.

## 6.2 Non-Academic Misconduct

6.2.1 An allegation of *non-academic misconduct* concerning a student's conduct as an enrolled student of the University may refer to any actions or activities engaged in, or services and facilities enjoyed, as a student of the University, or in the vicinity of any premises owned, leased or managed by the University.

*Non-academic misconduct* may involve conduct relating to (though not limited to) the following<sup>4</sup>:

- (i) Breaches of stated instructions or regulations issued by the University, associated professional, statutory and/or regulatory bodies, or by authorised members of the University, that prejudice the orderly working of the University and/or contravene the requirements of associated professional, statutory and/or regulatory bodies. This includes conduct which may fall below any relevant professional fitness to practise standards or requirements.
- (ii) Assault of or threatening behaviour towards others.
- (iii) Conduct that may endanger the safety or well-being of others, including carrying and/or use of offensive weapons and materials.
- (iv) Harassment of and/or bullying of and/or discrimination towards others on the grounds of gender, sexuality, disability, age, race or religion.
- (v) Harmful or inappropriate acts that may require referral as defined by the Protecting Vulnerable Groups Scheme\*. These are acts that have:
  - (a) harmed a child or protected adult;
  - (b) placed a child or protected adult at risk of harm;
  - (c) engaged in inappropriate conduct involving pornography;
  - (d) engaged in inappropriate conduct of a sexual nature involving a child or protected adult;
  - (e) given inappropriate medical treatment to a child or protected adult.
- (vi) Conduct that brings or could bring, the reputation of the University, or associated professional, statutory and/or regulatory bodies, into disrepute.
- (vii) Serious and/or persistent breaches of the University's *Conditions of Lease*.
- (viii) Damage to the property of the University, student(s) or member(s) of staff of the University.
- (ix) Misappropriation or misuse of University funds or assets.
- (x) Unauthorised occupation of University land or premises.

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<sup>4</sup> These may include cases reported via the University's [Report and Support platform](#)

\* <https://www.disclosurescotland.co.uk/disclosureinformation/pvgscheme.htm>



- (xi) Behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of a student(s) or member(s) of staff or which disrupts or interferes with University processes or procedures.
- (xii) Attempts to subvert University processes or procedures by means of false claims or fraudulent documents.
- (xiii) Actions in contravention of applicable legislation.
- (xiv) Unauthorised appropriation and/or dissemination of offensive materials and publications, whether in printed or electronic format.

6.2.2 Any student who assists a fellow student, or student(s), to commit misconduct shall be deemed to have committed misconduct and will be dealt with in accordance with the *Student Conduct Procedure*.

## 7. STUDENT CONDUCT PROCEDURE: MISCONDUCT HEARING

### 7.1 Initial Intimation

7.1.1 Where an allegation of misconduct is made, then the Dean shall be informed in the first instance, including where it relates to the University's student accommodation. The Dean shall determine whether there are reasonable grounds to believe that misconduct has occurred. The Dean may, at their discretion, appoint an Officer of the University to undertake preliminary evidence gathering to inform their decision as to whether there are such reasonable grounds. In such circumstances, the Dean should be mindful of the normal timescales as specified in [Regulation 7.2\(i\)](#).

7.1.2 In accordance with [paragraph 5.2](#) of this *Procedure*:

- a recommendation may be made to the Principal to suspend a *student* pending an investigation and/or the outcome of a trial and/or police/external investigation; and/or
- the Dean may suspend an *investigation* pending the outcome of a trial and/or police/external investigation.

7.1.3 Where the alleged misconduct relates to the termination of sponsorship and consequential termination of enrolment of a student, this will be handled in accordance with [paragraph 5.3](#) of this *Procedure*.

## 7.2 Misconduct Hearing Arrangements

The Dean shall:

- (i) arrange a *Misconduct Hearing* with the student at the earliest possible opportunity and normally not later than 10 working days after the allegation has been received by the Dean;
- (ii) be accompanied to the *Misconduct Hearing* by a note-taker and staff appropriate to the circumstances of the allegation, though typically no more than three members of staff will be present (in addition to the note-taker), and may include the Course Leader, Module Coordinator, Personal Tutor, Dean of Graduate School or any other parties relevant to the allegation, such as staff from other Schools or Departments. The Dean, or nominated Convener, may also call witnesses relevant to the allegation. Where the allegation relates to Student Accommodation then the Student Accommodation Manager, or nominee, must be invited to the *Misconduct Hearing* as a witness to advise on Student Accommodation specific aspects, including lease arrangements;
- (iii) issue such notification of the date, time and venue of the *Misconduct Hearing* and the details of the alleged misconduct to the student by email, and advising of their entitlement to be accompanied by two persons (who should not be materially involved), to call witnesses, and that the Student Union may be contacted for advice and support;
- (iv) advise the student in writing that if they fail to attend, without good reason, the *Misconduct Hearing* may proceed in their absence, without this constituting grounds for appeal.

## 7.3 Misconduct Hearing Protocol

- (i) If the student fails to attend, but has provided good reason for non-attendance, then a further *Misconduct Hearing* shall be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed the *Misconduct Hearing* will proceed in their absence if necessary, without this constituting grounds for appeal.
- (ii) If the student fails to attend without providing a good reason for non-attendance, then the meeting will proceed in their absence, without this constituting grounds for appeal.
- (iii) The Dean supported by, as appropriate, those staff accompanying them in the *Misconduct Hearing*, shall examine the facts and interview the student, and may consult with other staff and students as appropriate. The student shall be given every opportunity to explain the circumstances of the case and to submit any relevant mitigating evidence for consideration.
- (iv) In cases of alleged academic misconduct which relate to issues regarding the authenticity of the work, the Dean shall have discretion to question the student on

various aspects of the work, including the methods used to produce the work, key sources underpinning the work and the student's knowledge of the subject area.

- (v) Where there is insufficient time for an allegation of *academic misconduct* relating to a taught course to be investigated prior to a meeting of an Assessment Board, the Assessment Board's decision on the student's progress shall be deferred.

#### 7.4 Decision and Determination of Sanction

If, as a result of the *Misconduct Hearing*, the Dean is satisfied that:

- (i) misconduct has not been established, no further action against the student will be taken and the student shall be informed of the outcome in writing by the Dean within five working days of the *Misconduct Hearing*;
- (ii) misconduct has been established, the Dean shall decide the appropriate and proportionate sanction(s) in accordance with [paragraph 10](#) of this *Procedure*;
- (iii) if the relates to the University's student accommodation, a copy of the outcome will be reported to the Student Accommodation Service and the ResLife and Student Help Point Manager.

#### 7.5 Notification of Outcome

Normally within five working days of the *Misconduct Hearing*, the Dean shall:

- (i) prepare notes of the meeting, which the student and Dean shall be required to sign as representing an accurate record of the meeting. Thereafter, the notes shall constitute the formal record of the meeting.
- (ii) provide the student, by email, with a copy of the signed notes of the meeting, notification of the sanction(s) to be imposed and, if appropriate, replacement costs, and advise the student of their entitlement to submit an appeal against the decision and/or sanction(s) (though not replacement costs) in accordance with [paragraph 8](#) of this *Procedure* by completing the [Student Appeal Form: Misconduct](#). In the event the student fails to respond on the accuracy of the notes of the meeting within a specified timescale, as agreed and recorded in the notes of the meeting, then it shall be assumed that the notes are a true and accurate record. Where there is disagreement between the student and the Dean regarding the accuracy of the notes of the meeting then the record of such disagreement shall be appended to the notes of the meeting.
- (iii) where the case involves *academic misconduct* relating to a taught course, advise the student that a report will be made to the Assessment Board at its next scheduled meeting, forward this report to the Assessment Board Convener, and ensure it is submitted to the Assessment Board. Where evidence of *academic misconduct* relating

to a taught course becomes available subsequent to the recommendation of an Assessment Board, and the sanction imposed includes a reduction in the grade awarded for a student's work, the Board shall be required to revise their recommendation retrospectively to take account of the sanction imposed by the Dean. The Assessment Board may not reconsider or amend the sanction;

- (iv) where such misconduct may also constitute a criminal offence and the police or other appropriate authority are involved, report this to the Principal (or nominee in their absence) who shall decide, in consultation with the relevant Dean, whether disciplinary proceedings under the *Student Conduct Procedure* should be deferred pending possible criminal proceedings. However, the student may still be suspended pending the outcome of any proceedings (see [paragraph 5.2.1](#) of this Regulation). Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the *Student Conduct Procedure*.

## **8. STUDENT CONDUCT PROCEDURE: APPEALS**

### **8.1 Submission of Appeal**

8.1.1 A student shall be entitled to submit an appeal:

- (i) against the decision and/or the sanction(s) (though not replacement costs) if a Dean has determined misconduct has been established;
- (ii) against the sanction(s) if the student has admitted to the misconduct, (though not replacement costs).

### **8.2 Grounds for Appeal**

8.2.1 Appeals shall be considered only on the following grounds for appeal:

- (i) there has been a significant procedural irregularity or material administrative error resulting in an unfair or unreasonable decision; or
- (ii) the evidence of alleged misconduct is deemed insufficient to substantiate the allegation; or
- (iii) there is substantial evidence that:
  - (a) was not previously known to the Dean at the time of the *Misconduct Hearing*; or
  - (b) demonstrates a sanction is disproportionate; or

- (c) the criteria used to determine a proportionate sanction, as contained in [paragraph 10.1](#), were not appropriately applied.

8.2.2 If a student makes any alteration to the grounds of their appeal at any time after its initial lodgement with the School, then the appeal shall be deemed invalid.

### **8.3 Submission of Appeal**

8.3.1 The student shall complete the [Student Appeal Form: Misconduct](#), specifying the grounds for appeal which form the basis for the appeal. The appeal shall be competent only where it accords with the provisions of [paragraph 8.2.1 of this Procedure](#).

8.3.2 The student shall submit the *Student Appeal Form: Misconduct* to their Dean within 10 working days of the student receiving notification of the outcome.

#### **Validity of an Appeal for Consideration**

8.3.3 An appeal shall be deemed valid for consideration only if it is received within 10 working days of the student receiving notification of the outcome from the Dean.

8.3.4 An appeal shall be deemed invalid for consideration if it is not received within 10 working days of the student receiving notification of the outcome from the Dean and will be dismissed. The student shall have no further right of appeal. The Dean shall notify the student accordingly.

8.3.5 Normally within 3 working days of receipt of the [Student Appeal Form: Misconduct](#), the Dean shall copy the [Student Appeal Form: Misconduct](#), together with a report of the circumstances surrounding the appeal, to the Deputy Academic Registrar and the Academic Quality Officer.

### **8.4 Determination of whether Prima Facie Case exists**

8.4.1 Where an appeal is deemed valid for consideration then the Deputy Academic Registrar and the Academic Quality Officer shall confer, normally within 5 working days of them receiving the appeal, to establish whether a prima facie case for an appeal exists.

#### **Prima Facie Case for Appeal**

8.4.2 A prima facie case for an appeal shall be deemed to exist only where there is relevant evidence provided by the student which:

- (i) relates to the specified grounds for appeal as described in [paragraph 8.2.1](#); and
- (ii) demonstrates:
  - (a) there has been a significant procedural irregularity or material administrative error resulting in an unfair or unreasonable decision; or

- (b) the evidence of alleged misconduct is deemed insufficient to substantiate the allegation; or
- (c) a sanction is disproportionate; or
- (d) the criteria used to determine a proportionate sanction, as contained in [paragraph 10.1](#), were not appropriately applied.

### Decisions

8.4.3 In determining whether a prima facie case exists, the Deputy Academic Registrar and Academic Quality Officer, shall have the following decisions shall be available to them:

- (i) **Prima facie case:** where it is deemed a prima facie case exists the case may be:
  - (a) referred directly back to the Dean for re-consideration, once only, in accordance with the provisions of [paragraph 8.4.2](#) of this Procedure when:
    - substantial relevant evidence is submitted that was not previously known to the Dean at the time of the *Misconduct Hearing*; and/or
    - it is deemed that there is insufficient evidence of appropriate consideration of a case by the Dean at the *Misconduct Hearing*; and/or
    - it is deemed that the decision arising from the *Misconduct Hearing* was unreasonable on the basis of the information available to it when reaching its decision.
  - (b) submitted for consideration to the *Student Appeals Committee* in accordance with the provisions of [paragraph 8.6](#) of this Procedure.
- (ii) **No prima facie case:** where it is deemed by the Deputy Academic Registrar , acting with the delegated authority on behalf of the Principal, that no prima facie case exists, the case shall be dismissed in accordance with the provisions of [paragraph 8.7](#) of this Procedure.

## 8.5 Prima Facie Case: Re-Consideration by the Dean

- 8.5.1 The Academic Quality Officer shall communicate this decision to the student, and the Dean, by email normally within 10 working days of them receiving the student's *Student Appeal Form: Misconduct*.
- 8.5.2 Normally within 10 working days of receiving the referral, the Dean shall liaise, as appropriate, with the staff involved in the original *Misconduct Hearing* to re-consider the case.

8.5.3 Following the Dean's re-consideration, the student shall be notified in writing of the decision by the Dean (and a copy of the outcome passed to the Dean if appropriate, and other central Professional Support Departments to which the case relates, as appropriate). Normally within 5 working days of being so notified the student shall either:

- (i) accept the decision of the Dean, and withdraw their appeal; or
- (ii) confirm they wish to proceed with the appeal by submitting a further *Student Appeal Form: Misconduct*.

## **8.6 Prima Facie Case: Referral to the Student Appeals Committee**

8.6.1 The *Student Appeals Committee* shall be convened in accordance with [paragraph 9](#) of this Procedure.

8.6.2 The Academic Quality Officer shall communicate the decision to the student in writing, together with details of the procedure to be adopted by the *Student Appeals Committee*, normally within 15 working days of the Deputy Academic Registrar and the Academic Quality Officer receiving the student's *Student Appeal Form: Misconduct*.

## **8.7 No Prima Facie Case: Dismissal of the Appeal**

8.7.1 Where it is deemed by the Deputy Academic Registrar, acting with delegated authority on behalf of the Principal, that no prima facie case exists, the appeal shall be dismissed. There shall be no appeal against such a decision of the Deputy Academic Registrar.

8.7.2 The Academic Quality Officer shall communicate the decision to the student in writing within 15 working days of receiving the student's *Student Appeal Form: Misconduct*, and to the Dean concerned.

# **9. STUDENT CONDUCT PROCEDURE: STUDENT APPEALS COMMITTEE**

## **9.1 Student Appeals Committee Arrangements**

The Department for Governance and Academic Quality shall:

- (i) arrange a meeting of the *Student Appeals Committee* at the earliest opportunity, and in accordance with the requirements of [Organisational Regulation O4: Standing Committees of Academic Council, Schedule 4.6](#);
- (ii) confirm in writing to the student the date, time and venue for the *Student Appeals Committee*, normally at least 10 working days prior to the meeting, issuing the correspondence by email, and advising of their entitlement to be accompanied by two persons, and that the Student Union may be contacted for advice and support;

- (iii) advise the student in writing that if they fail to attend, without good reason, the *Student Appeals Committee* meeting may proceed in their absence, without this constituting grounds for appeal.

## 9.2 Student Appeals Committee Protocol

- (i) No person involved in the *Misconduct Hearing* shall be a member of the *Student Appeals Committee* which hears the appeal.
- (ii) The *Student Appeals Committee* may hear more than one appeal at the same meeting, and does not require to be convened separately for each case.
- (iii) If the student fails to attend, but has provided good reason for non-attendance, then a further meeting of the *Student Appeals Committee* shall be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed the *Student Appeals Committee* meeting will proceed in their absence if necessary, without this constituting grounds for appeal.
- (iv) If the student fails to attend without providing a good reason for non-attendance, then the meeting will proceed in their absence, without this constituting grounds for appeal.
- (v) The *Student Appeals Committee* shall examine the facts and shall interview the student and members of staff and students as appropriate. The student shall be given every opportunity to explain the circumstances of the case and to submit any relevant mitigating evidence for consideration.
- (vi) Where there is insufficient time for a student's appeal (academic misconduct relating to a taught course) to be considered prior to a meeting of an Assessment Board, the Assessment Board's decision on the student's progress shall be deferred.

## 9.3 Outcome of Appeal

- (i) Having considered an appeal against the decision, the Committee shall determine either that:
  - (a) the appeal be dismissed, misconduct has been established, the decision of the Dean be confirmed, and the sanction be confirmed or modified; or
  - (b) the appeal be upheld, misconduct has not been established, the decision of the Dean be annulled and the sanction be cancelled.



- (ii) Having considered an appeal against the sanction, the Committee shall determine either:
  - (a) the appeal be dismissed and the sanction be confirmed; or
  - (b) the appeal be upheld and a lesser sanction be substituted.

#### 9.4 Notification of Outcome

Normally within 5 working days of the *Student Appeals Committee* meeting, the Convener shall:

- (i) issue a written notification of the outcome to the student, and advise the student the decision of the *Student Appeals Committee* is final in respect of the University's internal *Student Conduct Procedure*, though the student may refer to the *Scottish Public Services Ombudsman's* independent public services complaints system, as contained in [paragraph 12](#) of this *Procedure*;
- (ii) where the case involves *academic misconduct* relating to a taught course, and where the sanction imposed includes a reduction in the grade awarded for a student's work, advise the student this shall be reported to the appropriate Assessment Board at its next scheduled meeting. The Convener shall forward the outcome to the Dean/Assessment Board Convener and ensure it is submitted to the Assessment Board. The Assessment Board may not reconsider or amend the confirmed sanction.

### 10. SANCTIONS

#### 10.1 Criteria

10.1.1 When determining a proportionate sanction, the following criteria will be used, taking due cognisance of whether the sanction relates to academic or non-academic misconduct as described in [paragraph 6](#) of this Regulation:

- (i) whether the misconduct was deliberate;
- (ii) whether there was intent and, in instances of academic misconduct, to gain an advantage;
- (iii) the scale and severity of the misconduct;
- (iv) whether the student admitted the misconduct;
- (v) the student's previous conduct, including any previous misconduct and, where, relevant, breaches of the *Conditions of Lease*;

- (vi) the proximity in time of multiple established misconducts (for example, whether two established cases of the same form of misconduct, such as plagiarism, occurred in quick succession) and whether the student has had an opportunity to learn;
- (vii) any mitigating circumstances (also refer [paragraph 10.1.2](#) of this Regulation);
- (viii) the course stage, and availability of further assessment opportunities;
- (ix) the extent to which the assessment would have contributed to a final award;
- (x) where relevant, any requirements of associated professional, statutory and/or regulatory bodies;
- (x) any other factors, including use of information technology and Library Services, security, observance of University regulations or any issues raised by the student not covered by the above.

10.1.2 In accordance with [Regulation 10.1.1](#), a number of criteria are considered when determining a proportionate sanction. Where a student has extenuating circumstances and the Dean is satisfied that the severity of the circumstances may have impacted the student's decision making and behaviour at the time of the misconduct then the Dean may determine that the assessment opportunity be deferred.

## 10.2 Sanctions

10.2.1 One or more of the following sanctions may be applied for established misconduct. (Refer also to [paragraph 10.1.2](#) of this Regulation and [Regulation A6: Research Degrees, Schedule 6.3](#) for outcomes relating to research degrees).

The following list is not exhaustive.

**Absolute Discharge:** Exceptionally, although it is established that an incidence of misconduct has occurred, no blame is attached to the student's actions and no sanction imposed (although a record of the *Misconduct Hearing* and decision is retained in the student's file). This outcome **will not** be taken into account when considering any subsequent incidences of misconduct.

**Conditional Discharge:** The incidence of misconduct is recorded and retained in the student's file, but no further sanction is imposed as long as no other incidences of misconduct occur during the student's period of enrolment. If a further incidence of misconduct occurs, the sanction imposed will take account of the first and subsequent incidences of misconduct.

**Reprimand:** Written warning, retained by the Dean in the School's student file. This sanction would normally be appropriate if University staff were satisfied the misconduct was minor.

**Failure and retention of all remaining re-assessment opportunities:** Grades for the individual component of assessment affected by the academic misconduct be reduced to

Grade F or equivalent, and the student be permitted the remaining re-assessment opportunities as would normally apply to that component of assessment. Grades achieved for re-assessment opportunities would be as defined in [Regulation A4: Assessment and Recommendations of Assessment Boards](#), paragraph 9.6.

**Failure and one re-assessment opportunity only:** Grades for the individual component of assessment affected by the academic misconduct be reduced to Grade F or equivalent, and the student be permitted only one of any remaining re-assessment opportunities. Grades achieved for re-assessment opportunities would be as defined in [Regulation A4: Assessment and Recommendations of Assessment Boards](#), paragraph 9.6.

**Failure and no re-assessment opportunity:** Grades for the individual component of assessment affected by the academic misconduct be reduced to Grade F or equivalent\*, and the student not be permitted any of the remaining re-assessment opportunities. Such a sanction would require the approval of Academic Council in accordance with [Regulation A4: Assessment and Recommendations of Assessment Boards](#), paragraph 9.1 prior to it being confirmed.

**Replacement costs:** Charges covering the cost of replacement of a University property damaged as a consequence of the misconduct, without financial limit.

**Supervised voluntary service:** Supervised voluntary service within the University, up to a maximum of 24 hours, and subject to such supervision by an authorised officer as the Dean or Head of the Professional Support Department may decide.

**Mandatory Education/Training:** Participation at a relevant internal and/or external education/awareness programme (e.g. mental health, drug, alcohol), or other constructive activity.

**Fine:** A fine of not more than £250. This may, at the discretion of the Dean or Head of the Professional Support Department, be fulfilled by undertaking supervised voluntary service at a rate of £8.00 per hour, or may take the form of a suspended fine pending good behaviour.

**Suspension for specified period:** A recommendation to the Vice-Principal for Academic Development and Student Experience, acting with delegated authority on behalf of the Principal, for the immediate suspension of enrolment and all corresponding rights of the student, including the use of University facilities, for a specified period.

**Termination of Lease:** Termination of the lease with immediate effect, giving sufficient notice to the resident as required by legislation.

**Termination of Enrolment:** A recommendation to the Principal (via the Vice-Principal for Academic Development and Student Experience) for the student's immediate termination of enrolment (including all corresponding rights), discontinuation of studies and exclusion from the University's facilities and properties.

The recommendation may also include a request to permanently deny the student any future rights of application and enrolment to the University. Where this sanction is imposed on a migrant student, the University shall report this decision to the UK Visas and Immigration service.

**Termination of Sponsorship and Consequential Termination of Enrolment:** A decision by the Director of Academic Administration that the University terminates its sponsorship of a migrant student with immediate effect due to the breach of applicable legislation; and the University terminates the enrolment of the migrant student with immediate effect due to the breach of the University's stated instructions and regulations; and the University reports this decision to the UK Visas and Immigration service.

## 11. DISTRIBUTION AND RETENTION OF MISCONDUCT RECORDS

### 11.1 Misconduct Hearing – Distribution of Outcome

- (i) All records, whether in paper or electronic form, documenting the conduct and outcome of disciplinary proceedings against a student considered through the *Student Conduct Procedure* shall be retained in the School's student file.
- (ii) The Convener of the *Misconduct Hearing* shall ensure a copy of the notes are retained in the School's student file;
- (iii) The Convener of the *Misconduct Hearing* shall report the outcome of the investigation to:
  - the Director of Academic Administration where a sanction involves an alteration to a student's grades, a suspension, or exclusion (temporary or permanent), or discontinuation of studies;
  - those other Professional Support Departments to which the case relates, which might include any or all of the following: the Estates and Property Services Department, the Financial Services Department, the IT Services Department and the Library.
- (iv) All cases of *academic misconduct* relating to taught courses shall be reported to the appropriate Assessment Board.

### 11.2 Student Appeals Committee – Distribution of Outcome

- (i) All records, whether in paper or electronic form, documenting the conduct and outcome of disciplinary proceedings against a student considered through the *Student Conduct Procedure* shall be retained in the School's student file.

- (ii) The Secretary of the *Student Appeals Committee* shall distribute a copy of the Committee's report to the Dean in which the student is studying, for retention in the School's student file, and retain a copy in the Department for Governance and Academic Quality file.
- (iii) The Secretary of the *Student Appeals Committee* shall report the outcome of the appeal to:
  - the Director of Academic Administration where a sanction involves an alteration to a student's grades, a suspension, or exclusion (temporary or permanent), or discontinuation of studies;
  - those other Professional Support Departments to which the case relates, which might include any or all of the following: the Estates and Property Services Department, the Financial Services Department, the IT Services Department and the Library.
- (iv) All cases of *academic misconduct* relating to taught courses shall be reported to the appropriate Assessment Board.

### 11.3 Retention of Records

All records, whether in paper or electronic form, documenting the conduct and outcome of disciplinary proceedings against a student shall be retained for six years from the date the case concluded. Thereafter, all records shall be destroyed unless:

- it is a requirement of a relevant professional, statutory or regulatory body to retain such records for a longer specified period; such records shall be retained by the School; or
- where an established case of misconduct has led to a sanction of suspension, exclusion (temporary or permanent), or the denial of any future rights of application and enrolment to the University, either permanently or for a specified period; such records shall be retained by the Academic Administration Department.

### 11.4 Reporting to Academic Council

The Department for Governance and Academic Quality shall maintain a central record of all misconduct cases and sanction(s) and report these annually to Academic Council.

## 12. SCOTTISH PUBLIC SERVICES OMBUDSMAN

- 12.1 All students of the Robert Gordon University are entitled to pursue a complaint through the Ombudsman where the complainant has exhausted the University's internal complaints

procedure. Further details of the Scottish Public Services Ombudsman can be obtained at:  
[www.spso.org.uk](http://www.spso.org.uk).

### **SCHEDULE 3.2.1: TERMINATION OF SPONSORSHIP AND CONSEQUENTIAL TERMINATION OF ENROLMENT**

The *Termination of Sponsorship and Consequential Termination of Enrolment Procedure*, as contained in this Schedule, should be deemed to be part of, and should be read in conjunction with, [Regulation A3, Section 2: Student Conduct Procedure](#) as it relates to migrant students sponsored by the University.

This *Procedure* may be subject to change due to amendments to the requirements of the UK Visas and Immigration service.

The University's Immigration Compliance Officer identifies a sponsored student whose status has changed and/or whose leave to remain in the UK will expire. The Immigration Compliance Officer contacts the sponsored student by email (to the student's RGU email address and any preferred email address held on the system) to ascertain what their current immigration status is and, where appropriate, to ask the student to present, for verification and copying, appropriate documentary evidence.

Day 1      If a sponsored student persistently fails to provide valid documentation on the request of the Immigration Compliance Officer, the Student Immigration Manager will be informed.

Access to IT facilities and Library Services will be removed, sanctioned by the Student Immigration Manager.

The Student Immigration Manager will contact the student by email (to the student's RGU email address and any preferred email address held on the system) by letter to the student's term-time address, and by telephone, stating the student is in breach of applicable legislation and the University's stated instructions and regulations, and requesting they provide valid documentation within 48 hours of the request.

The Student Immigration Manager will also inform the appropriate Dean and School Administration Manager.

If a sponsored student provides valid documentation within the 48 hour timescale, the Student Immigration Manager will reinstate the sponsored student's access to IT facilities and Library Services with immediate effect.

Day 3      If a sponsored student fails to provide valid documentation within 48 hours of the request, the Director of Academic Administration will determine whether to terminate the University's sponsorship of the student and, as a consequence, terminate the student's enrolment, in accordance with [paragraph 5.3.3](#) of this Regulation, and supported by appropriate documentary evidence compiled in accordance with this *Termination of Sponsorship and Consequential Termination of Enrolment Procedure*.

The Immigration Compliance Officer will report this decision to the UK Visas and Immigration.