

**GUIDANCE FOR DEALING WITH BREACHES OF**

**THE ADDENDUM TO THE CODE OF CONDUCT FOR COVID-19**

**Background**

1. Students have a responsibility to make decisions about their own conduct, their own health and safety and to consider the impact their actions may have on the health and safety of others. Students must also accept the consequences of their decisions.
2. Where necessary, and in the event of misconduct, the University has the authority to take disciplinary action under its regulations and procedures for breaches related to Covid-19 (see Addendum to Code of Conduct and associated penalties).
3. Penalties will be determined on an individual basis and will be proportionate to the offence. In the most serious cases, students may be expelled from the University.

**Emergency Precautionary Action**

1. When a concern is raised about the conduct of a student that indicates a risk to the University community that risk will be assessed, and the necessary emergency precautionary action taken. This could include:
* Temporary exclusion from the campus, or certain areas of the campus (for example the Students’ Union or halls of residence).
* Imposing certain restrictions/conditions (for example requiring them to move accommodation).
* Temporary suspension from studies.

Any cases requiring emergency precautionary action will be referred to the University Secretary (or nominee) as Chair of the Risk Assessment Panel, immediately upon notification, for approval. There will be no requirement for a formal risk assessment.

1. Examples of offences that may require emergency precautionary action are:
* Attending the University/failing to notify the University/failing to leave the University if a student has symptoms of Covid-19 or a positive test;
* Intentionally endangering another member of the University community, for example by coughing or spitting at someone on purpose.

**Minor Offences**

1. Minor offences, where behaviour falls short of the standards expected, may be dealt with locally and a verbal warning given.
2. If this does not resolve the matter, then a referral may take place as follows:

[Student Conduct Procedure](https://registry.southwales.ac.uk/student-regulations/student-conduct/)

The referral will be made to Stage 1 of the Procedure. This will involve a meeting with the Dean of Faculty (or nominee). A record of any penalty that has been issued will be logged and provided to the Student Casework Unit. The Student Casework Unit will monitor the logs and may review cases to ensure consistency of approach. They will have the right to refer cases from Stage 1 to Stage 2 where this is considered appropriate.

[Fitness to Practise Procedure](https://registry.southwales.ac.uk/student-regulations/fitness-practise/)

For students studying on courses that are governed by the Fitness to Practise Procedure (a list of such courses is available at the link above), a referral will be made to the Preliminary stage of the Procedure. This will involve consideration of the case by a Chair of the Cause for Concern Panel.

1. Examples of minor infringements/offences are:
* Not observing social distancing requirements
* Attending social gatherings against guidelines.

**Major/Serious Offences**

1. A referral to Stage 2 of the Student Conduct Procedure and to the Fitness to Practise Procedure will be made where the offence is major/serious and/or constitutes a persistent and repeated infringement of the Code of Conduct. Examples of these are:
* Abusive/violent behaviour
* Non-compliance with the reasonable instructions of a member of staff
* Organising social gatherings against guidelines
* Repeatedly attending social gatherings against guidelines
* Attending the University/failing to notify the University/failing to leave the University where a student has symptoms of Covid-19 or a positive test
* Intentionally endangering another member of the University community, for example by coughing or spitting at someone.

**Request for Review**

1. Students will not have the right to request a review of any emergency precautionary suspension/exclusion.
2. The process for students to request a review of decisions made under the non-academic disciplinary procedures are outlined in the Student Conduct Procedure and the Fitness to Practise Procedure.

**Recording and Monitoring**

1. A record of the findings of any procedure followed as a result of the breach of the Code of Conduct, and a copy of any Acceptable Behaviour Contract that has been put in place, may be held on the student’s record.

**APPENDIX 1: GUIDELINES FOR APPLICATION OF PENALTIES - COVID-19 RELATED OFFENCES**

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| **DISCIPLINARY****OFFENCE** | **EXAMPLES OF UNACCEPTABLE****BEHAVIOUR** | **EXAMPLES OF PENALTIES** | **RESPONSIBILITY FOR IMPOSING****PENALTY** |
| Code of Conduct 6.3.6; 6.3.7Code of Conduct Addendum 2.1; 2.11; 2.12 | Attending the University/failing to notify the University/failing to leave the University if you have symptoms of Covid-19 or a positive test | Immediate precautionary suspension for quarantine periodConsideration through Student Conduct/Fitness to Practise Procedure:* Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Secretary (or nominee), as Chair of Risk Assessment Panel (RAP)University Disciplinary Committee/Fitness to Practise Committee |
| * Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |
| Code of Conduct 6.3.6; 6.3.7; 6.3.8Code of Conduct Addendum 2.2; 2.12 | Organising or attending social gatherings against guidelines | Consideration of immediate precautionary suspension/exclusion Repeated offence:* Expulsion
* Suspension/exclusion
* Restrictions/conditions
* Charges/fines
 | University Secretary (or nominee), as Chair of RAPUniversity Disciplinary Committee/Fitness to Practise Committee |
| First offence:* Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |
| Code of Conduct 6.3.1; 6.3.3Code of Conduct Addendum 2.3; 2.12 | Intentionally endangering or intimidate another member of the University community, eg, by coughing or spitting at someone on purpose | Consideration of immediate precautionary suspension/exclusion * Suspension/exclusion
* Restrictions/conditions
* Formal warning
* Written apology
 | University Secretary (or nominee), as Chair of RAPUniversity Disciplinary Committee/Fitness to Practise Committee |
| Code of Conduct 6.3.1; 6.3.3; 6.3.8Code of Conduct Addendum 2.4 | Physically or verbally threatening someone with Covid-19 | Consideration of immediate precautionary suspension/exclusion * Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Secretary (or nominee), as Chair of RAPUniversity Disciplinary Committee/Fitness to Practise Committee |
| * Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |
| Code of Conduct 6.3.6; 6.3.7Code of Conduct Addendum 2.6; 2.12 | Not observing social distancing requirements or adhering to instructions and guidance while on site, including attending the University and designated locations outside of authorised periods of time | Consideration of immediate precautionary suspension/exclusion Repeated offences:* Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Secretary (or nominee), as Chair of RAPUniversity Disciplinary Committee/Fitness to Practise Committee  |
| First offence:* Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |
| Code of Conduct 6.3.6; 6.3.7; 6.3.8Code of Conduct Addendum 2.7 | Refusal to respond to reasonable instructions, eg, to disperse when requested by a member of staff | Repeated offences:* Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Disciplinary Committee/Fitness to Practise Committee |
| First offence:* Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |
| Code of Conduct 6.3.6; 6.3.7Code of Conduct Addendum 2.8; 2.12 | Refusal to wear a face covering in line with the guidance or on request by a member of staff unless exceptions apply | Repeated offences:* Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Disciplinary Committee/Fitness to Practise Committee |
| First offence:* Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |
| Code of Conduct 6.3.6; 6.3.7Code of Conduct Addendum 2.1 to 2.12  | Any action that could endanger the student and others, for example not following the recommended personal hygiene practices | Consideration of immediate precautionary suspension/exclusion Repeated offences:* Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Secretary (or nominee), as Chair of RAPUniversity Disciplinary Committee/Fitness to Practise Committee |
| First offence:* Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |
| Code of Conduct 6.3.8Code of Conduct Addendum 2.1 to 2.12 | Any action that could bring the University into disrepute, including via social media | Consideration of immediate precautionary suspension/exclusion * Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Secretary (or nominee), as Chair of RAPUniversity Disciplinary Committee/Fitness to Practise Committee |
| * Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |
| Code of Conduct 6.3.6; 6.3.7Code of Conduct Addendum 2.12 | Non-compliance with the terms of any Acceptable Behaviour Contract put in place by South Wales Police. | Consideration of immediate precautionary suspension/exclusion for breach of ContractBreach of Contract:* Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Secretary (or nominee), as Chair of RAPUniversity Disciplinary Committee/Fitness to Practise Committee |
| * Formal warning
* Written apology
 | Dean of faculty (or nominee) to which the student belongs |