UNIVERSITY COMPUTER SYSTEMS (UCS) DISCIPLINARY REGULATIONS

1. Application

1.1 These regulations fall under the provisions of paragraph 2.1 of the General University Disciplinary Regulations and apply to all students who have been granted access to the University Computer Systems other than those who are members of staff of the University¹.

1.2 All references in these regulations to the University Secretary shall, where the context so admits, include a nominee of the Secretary who until further notice will be the Head of Student Complaints and Appeals.

All reference to University Computer Systems (UCS) shall include IT/IS resources of the University, IT, Faculties, Schools or any other department or unit of the University wherever located or however accessed.

1.3 All proceedings under these regulations shall be private to the accused student, members of the University who are directly concerned with the consideration of the offence, the Director of Information Systems Services (IT) and relevant IT or Faculty IT staff, the student’s Head of School, and other such members of staff as the Secretary or Head of Student Complaints and Appeals may decide.

1.4 A student shall be entitled to object to any member of the UCS Disciplinary Committee on grounds that he or she may not be impartial by reason of personal knowledge of the student or otherwise. The objection shall be considered by the Chair. If the objection is upheld by the Chair of the Committee another person shall be appointed.

1.5 A record of all disciplinary proceedings shall be kept under the auspices of the UCS Disciplinary Committee Secretary.

1.6 Students may seek independent advice and support from the LUU Student Advice Centre advice@luu.leeds.ac.uk

2. Applicable Offences

2.1 These regulations apply to the offences listed under paragraph 2 in the General University Disciplinary Regulations where such an offence is not a major offence (see 3 below). Where this condition is fulfilled the offence will be addressed under the provisions of the General University Disciplinary Regulations and where the circumstances so admit the University Committee on Student Health and Conduct.

2.2 Offences shall be defined as Major, Serious or Minor (see paragraphs 3, 6 and 7 below).

¹ Staff, temporary staff, contractors, consultants and all other individuals and groups who have been granted access shall be required to adhere to the Conditions of Use of Computer Systems and failure to do so will attract penalties, including where appropriate prosecution with a view to seeking civil damages, in accordance with the individual contractual arrangements entered into by both parties.
3. Major Offences connected with the Use of UCS

3.1 Where a major offence occurs the allegation will be addressed under paragraph 7, Non-Summary Offences, in the General University Disciplinary Regulations. The definition of a major offence is at the discretion of the Secretary or Head of Student Complaints and Appeals but would typically be those given in Annex 1.

3.2 The Director of IT or his nominee shall send a report to the Head of Student Complaints and Appeals. Preliminary proceedings will be conducted under the provisions of paragraph 5 of the General University Disciplinary Regulations and, if appropriate, will continue under paragraph 7 thereof,

4. Immediate Temporary Suspension from Use of UCS

Where a student faces an allegation under paragraph 3 above, the Director of IT or his nominee will suspend the student’s access to the UCS facilities with immediate effect. Where the student is subsequently found not guilty or guilty of an offence that would not have attracted suspension for the period concerned the student can apply to the Committee on Student Discipline for compensation.

5. Police

If the Police are involved, the University Secretary, the Head of Student Complaints and Appeals and the Director of IT or his nominee must be informed immediately by the IT or Faculty IT staff concerned with a written report being sent within 48 hours. Advice will be given by the Head of Student Complaints and Appeals concerning the application of any disciplinary procedures. The general expectation is that disciplinary action will be suspended pending the outcome of Police investigations or completion of the judicial process (except where applicable under paragraph 4 above).

6. Serious Offences

6.1 The definition of a serious offence shall be at the discretion of the Director of IT and would typically be incidents of lesser gravity than major offences examples of which are given in Annex 1.

6.2 Where an alleged serious offence occurs the IT or Faculty IT staff will make a report to the Director of IT or his nominee that will include a summary of the incident and the technical details together with the name of the accused student.

6.3 The Director of IT or his nominee will send the report to the accused student. The student will be invited to respond in writing within 7 days.

6.4 The Director of IT or his nominee will investigate the report and any response from the student as he thinks fit. He will decide whether or not there is a case to answer. If there is no such case, no further action will be taken. If it is decided that the student has a case to answer it will go before the UCS Disciplinary Committee (see 8 below).

A serious offence, unless denied in whole or in part, can also be dealt with summarily if the student so requests and the Director of IT agrees.
7. Minor Offences

7.1 The definition of a minor offence shall be at the discretion of the Director of IT or his nominee but shall typically be of lesser gravity than a serious offence (see 6 above) and may include those given in Annex 1.

7.2 The nominee of the Director of IT shall deal with the offence summarily, unless denied in whole or in part, and may, if the circumstances warrant, issue a reprimand or a fine not exceeding £100. The nominee shall send the record of such action to the Director of IT.

8. The UCS Disciplinary Committee

Terms of Reference

8.1 To hear and determine allegations of serious offences and appeals (see 9.1) from the findings of minor offences arising from paragraphs 6 and 7 above respectively and to impose penalties accordingly.

Constitution

8.2 The Constitution of the Committee shall be as follows:

- Two nominees of the Pro-Vice-Chancellor one of whom shall be the Chair and neither of whom shall be members of IT or Faculty IT staff.
- A representative of the Director of IT who has no prior knowledge of or connection with the allegation or case under consideration

Hearings

8.3 The Committee will meet at the earliest opportunity consistent with the requirements and provisions of paragraph 6. The student accused of the offence will be given not less than 7 days' notice of the date of the hearing. The hearing will be in term-time but the period of notice can occur in either term or vacation. All days will be calendar days and can therefore include weekends and days when the University is closed. It will be for those conducting the hearing to determine, having regard to the needs of justice, whether or not the defending students and any witnesses or alleged victims will appear together or separately in any hearing.

The Committee may proceed as it determines subject to the following:

(a) the student(s) will be heard in person except that: if the student does not attend without good cause (‘good cause’ being interpreted as it is under the University Examination Regulations) the case may be heard in his or her absence. In these circumstances the student’s right of appeal from the decision of the Committee to the University Committee on Student Discipline is forfeit

(b) the student can be accompanied by a single supporter of his or her choice who may or may not be a member of the University (but the supporter cannot represent the student, cannot attend if the student is not present in person and cannot be a co-accused or witness to the alleged offence);

(c) the student can put his or her case. Members of the Committee may question the student. The student will respond to the questions personally unless the Chairman permits otherwise;

(d) all papers available to the Committee shall be made available to the student in advance;
(e) the Committee will not permit plea-bargaining or the discussion of any penalty with anyone who is not a member of the Committee;
(f) all hearings shall be in private and shall remain confidential;
(g) the Committee shall not be bound by the strict rules of evidence;
(h) the Committee shall give its findings at the earliest opportunity;
(i) where the offence has been denied, in the event of the charge being proved, the Committee shall allow the student to give a statement in mitigation in advance of determining the penalty.

The Committee shall reach a decision and shall give reasons for its decision. The decision and reasons will be issued to the student in writing within 7 working days of the hearing. The decision of the Committee will be sent to the student by the UCS Disciplinary Committee Secretary.

Penalties

8.4 Where the Committee finds the student guilty of a serious offence the Committee may impose penalties, examples of which are as follows:

(a) a warning;
(b) a fine not exceeding £250;
(c) an order for compensation for damage to property, based on invoices received or written estimates with the amount paid determined by the Committee up to but not exceeding the full cost of the damage;
(d) subject to consultation with the student’s Parent and Teaching Schools permanent or temporary exclusion from UCS facilities;
(e) restrictions on the future use of UCS facilities;
(f) the papers to be sent to the Secretariat with or without a request for additional action to be taken against the student under the General University Disciplinary Regulations.

9. Appeals

9.1 The student may appeal from a penalty imposed for a Minor or a Serious offence dealt with summarily to the UCS Disciplinary Committee. Such appeals must be made in writing to the Director of IT (unless advised otherwise) not later than 14 days after the decision has been issued. The student will not appear before the UCS Disciplinary Committee unless that Committee so decides. The Committee’s decision will be final.

9.2 The Committee will reach one of two decisions:

either:

a) that the penalty be confirmed;
or
b) that the penalty be varied within the limits of the power of the Committee.

9.3 The student may appeal from a conviction, where the allegation has been denied and/or the penalty imposed by the UCS Disciplinary Committee to the University Committee on Student Discipline (except as provided in paragraph 8.3(a)), which will proceed in accordance with the provisions of the General University Disciplinary Regulations (paragraph 8.1 GUDR). Such appeals must be made in writing to the Secretariat within 14 days of the decision being issued. The decision of the University Committee on Student Discipline will be final.
Contact details for the Secretariat are as follows:

The Secretariat
Level 11, E C Stoner Building, University of Leeds, Leeds LS2 9JT

Tel: 0113 343 1276
Fax: 0113 343 3925
Email: studentcases@leeds.ac.uk
Web site http://www.leeds.ac.uk/secretariat/student_cases.html
ANNEX 1

Major Offences

Using University systems for the commission of criminal offences including, but not exhaustively:

- Theft
- Fraud
- Deception
- Accessing paedophilic material
- Activities governed by the Computer Misuse Act 1990
- Breach of the Data Protection Act 1998
- Repeat or multiple offences or extreme offences which might otherwise be categorised as Serious

Serious Offences

- Accessing pornographic or obscene material
- Sending of material which is designed or likely to cause offence, annoyance, inconvenience or needless anxiety to another
- The creation or transmission of defamatory material or material that is libellous of any persons or company’s reputation, products or services
- Deliberately corrupting or destroying other users’ data or disrupting the work of other users
- Smoking in a cluster
- Violating the privacy of other users
- Breach of copyright (films, TV, music and written matter)
- The sending of offensive email
- The sending of email for the purpose of harassment
- The sending of email or the visiting of web sites that advocate illegal activity
- Making commitments on behalf of the University without full authority
- Undertaking any activities detrimental to the reputation or business interests of the University
- Repeat or multiple offences or extreme offences which might otherwise be categorised as Minor

Minor Offences

- Eating or drinking in a cluster
- Use of mobile telephone in a cluster
- Sending of chain email
- Sending of unsolicited email
- Use of University systems for unauthorised commercial purposes
- The unauthorised issuing and use of log-on information.