

REGULATION 2: STUDENT DISCIPLINE

1. GENERAL PROVISIONS

- 1.1 The central activities of the University are teaching, learning and research. The primary function of this Regulation is to protect these essential activities and the administrative structure on which they depend from disruption.
- 1.2 Students are expected to conduct themselves at all times in a manner which demonstrates respect for the University, its staff, fellow students and the wider community.
- 1.3 Students shall maintain a standard of conduct which does not (1) cause actual or potential distress or harm to others; (2) cause actual or potential damage to the property of the University or others; (3) disrupt the normal functioning or operation of the University; or (4) impede or interfere with the pursuance of work or study of those working or studying at the University.
- 1.4 Students shall be responsible for making themselves aware of all provisions affecting them which are contained in the Charter and the Statutes, the Regulations of the University, and in such other codes of practice, policies, handbooks and similar documents as Senate and/or Council shall approve from time to time and shall at the time of first registration undertake to comply at all times with the same.
- 1.5 Advice and support is available to students through the University's student support services and the Students' Union.
- 1.6 The University will send all communications which are referred to in this Regulation to the student's University email address and to the student's postal address which is held on the student's record.
- 1.7 A person nominated to perform a role or discharge a function under this Regulation may delegate the performance or discharge of that role or function to another member of staff of the University.
- 1.8 Any person involved in the investigation or determination of a disciplinary case shall declare any matter which raises or may raise a conflict with their duties under this Regulation.
- 1.9 A suspension means that the student is prohibited from participating in the academic activities of the University and the student's registration on their course of studies is put on hold. Exclusion means that the student is prohibited from using University facilities and/or entering University grounds or premises. A partial or qualified suspension and/or exclusion may be put in place where appropriate.
- 1.10 If a student permanently withdraws from the University during the disciplinary process, the University may continue to pursue disciplinary action and impose a sanction on the (former) student.
- 1.11 This Regulation does not apply to incidents of alleged academic misconduct. The Examination and Assessment Regulations Handbook, published each year, applies to any such incidents.
- 1.12 Where a student is registered for a programme which is subject to a Fitness to Practice procedure, the University may apply the Fitness to Practice procedure when investigating and dealing with allegations of misconduct in relation to that student.

- 1.13 Amendments or additions to this Regulation by Council shall (unless otherwise stipulated by Council) be of immediate effect.

2. REPORTING AN INCIDENT

- 2.1 Where someone studying or working at the University observes or is informed of conduct by a student which may constitute disciplinary misconduct (the "Incident"), that person (or someone acting on that person's behalf) shall report such conduct to the Director for the Student Experience.
- 2.2 Incidents which occur outside the University or via a non-University mechanism (such as social media) may be dealt with under this Regulation.
- 2.3 The Director for the Student Experience may check the University records in order to ascertain whether the student has committed any previous acts of disciplinary misconduct and may provide that information to those involved in the disciplinary process if appropriate. The information may not be relied upon as evidence that the student has committed the alleged act of misconduct currently being considered under this Regulation but it may be taken into account when considering whether it is necessary to impose precautionary action, when considering which disciplinary route to follow and when considering sanctions.

3. PRECAUTIONARY ACTION

- 3.1 The Director for the Student Experience may impose immediate conditions on the student to ensure that a full and proper investigation can be carried out and/or to safeguard the student or others whilst the Incident is being considered under this Regulation. For example, a student may be required not to contact certain witnesses to the Incident. Those conditions will not include the suspension or exclusion of a student.
- 3.2 The Director for the Student Experience will issue Guidance on the use of Precautionary Action, including the imposition of conditions, a student's ability to make representations about the Precautionary Action taken and the review of its use in any particular case.
- 3.3 If the nature of the Incident suggests that there may be a risk to the health, safety or well-being of the student or others, or if a student fails to abide by conditions that are imposed by the Director for the Student Experience under paragraph 3.1, the Vice-Chancellor may exercise their power under Regulation 7 to suspend and/or exclude the student for a specific period of time or until the conclusion of criminal proceedings or until the conclusion of disciplinary proceedings.
- 3.4 The imposition of conditions and/or a suspension or exclusion at this stage are precautionary in nature; they are not a penalty and do not indicate that the University has concluded that the student has committed a disciplinary offence.
- 3.5 The student will be given an opportunity to make representations to the Vice-Chancellor before the Vice-Chancellor considers whether to exercise their power to suspend and/or exclude a student as a precautionary action unless that is not possible or appropriate due to the urgent or sensitive nature of the matter.
- 3.6 If the student has had an opportunity to make representations to the Vice-Chancellor, a decision to suspend and/or exclude the student as a precautionary action together with the reasons for the decision and notification of the right to appeal will be communicated to the student in writing as soon as possible ("Suspension/Exclusion Notice").

- 3.7 If the student did not have an opportunity to make representations to the Vice-Chancellor before a decision to suspend and/or exclude him/her as a precautionary action was made, they will be given an opportunity to make representations as soon as possible thereafter. The student will be informed of the decision to suspend and/or exclude together with the reasons for the decision in writing and notified of the right to make representations as soon as possible ("Preliminary Suspension/Exclusion Notice"). The student may submit representations to the Director for the Student Experience within 5 working days of the date of the Preliminary Suspension/Exclusion Notice and the Vice-Chancellor will review their decision taking the representations into account. The student will be informed of the outcome of the review in writing as soon as possible. If the Vice-Chancellor decides to continue with or impose any new suspension and/or exclusion as a precautionary action following the review, the student will be provided with a Suspension/Exclusion Notice.
- 3.8 The precautionary suspension and/or exclusion will be reported to the next meetings of Senate and Council.
- 3.9 The Vice-Chancellor may delegate their powers of suspension and exclusion to the Provost or one of the Pro-Vice-Chancellors. Where the powers are delegated, the Vice-Chancellor shall receive a full written report of any decision to suspend and/or exclude a student and shall be kept informed of the matter.
- 3.10 The student may appeal against the Vice-Chancellor's decision to suspend and/or exclude them as a precautionary action by writing to the Director for the Student Experience within 5 working days of the date of the Suspension/Exclusion Notice setting out the reasons for the appeal. The student may not appeal if they have received a Preliminary Suspension/Exclusion Notice but have failed to submit representations to the Director for the Student Experience in accordance with paragraph 3.7 above.
- 3.11 The Chair of Council or the Vice-Chair of Council will consider the appeal and may:
- 3.11.1 uphold the Vice-Chancellor's decision;
 - 3.11.2 change the scope of the precautionary suspension and/or exclusion (the scope may be increased or decreased); or
 - 3.11.3 remove the precautionary suspension and/or exclusion.
- 3.12 The Chair of Council/Vice-Chair of Council will inform the student in writing of their decision together with the reasons for that decision within 5 working days of receipt of the appeal.
- 3.13 The precautionary suspension and/or exclusion will be reviewed by the Vice-Chancellor within one month of the date of the latter of the Suspension/Exclusion Notice or the Preliminary Suspension/Exclusion Notice ("Initial Review") and then at regular intervals as determined by the Vice-Chancellor when undertaking the Initial Review.
- 3.14 The student may request that the Vice-Chancellor reviews the precautionary suspension and/or exclusion at any stage if there is a material change in circumstances. Such a request must be sent in writing to the Director for the Student Experience. The request will be provided to the Vice-Chancellor who will review the precautionary suspension and/or exclusion.
- 3.15 At each review, the Vice-Chancellor may:
- 3.15.1 maintain the precautionary suspension and/or exclusion;

- 3.15.2 change the scope of the precautionary suspension and/or exclusion (the scope may be increased or decreased); or
 - 3.15.3 remove the precautionary suspension and/or exclusion.
- 3.16 The Vice-Chancellor will inform the student in writing of the outcome of the Initial Review and any subsequent reviews together with the reasons for their decision within 5 working days of the decision being made.

4 LEVELS OF MISCONDUCT

- 4.1 There are three Levels of misconduct.
- 4.1.1 Level 1 misconduct includes persistent disruptive behaviour, behaviour which causes a disturbance or nuisance to others, or behaviour which may negatively impact upon the health, safety and wellbeing of others.
 - 4.1.2 Level 2 misconduct includes threatening behaviour and bullying or harassment of staff or students. It also includes failure to comply with a sanction imposed for Level 1 misconduct.
 - 4.1.3 Level 3 misconduct is behaviour that is sufficiently serious to call into question the student's continued registration at the University. It also includes a failure to comply with sanctions imposed for Level 2 misconduct. The University reserves the right to report to the police alleged misconduct that could constitute a criminal offence under the law of England & Wales.
 - 4.1.4 The Director for the Student Experience will set out illustrative examples of Level 1, Level 2 and Level 3 misconduct in Guidance.

5. INVESTIGATING OFFICERS AND INVESTIGATION

- 5.1 The three levels of misconduct will be investigated and determined in accordance with this Regulation.
- 5.1.1 Level 1 misconduct will be investigated and determined within the School to which the student who is the subject of the misconduct allegations belongs or the Professional Services Division responsible for the area in which the alleged misconduct occurred. The Director for the Student Experience will agree with each Head of School or Professional Services Director the person or persons in each School or Division to whom all Level 1 misconduct matters concerning students shall be referred ("Level 1 Investigating Officers").
 - 5.1.2 Level 2 misconduct will be investigated and determined by an Investigating Officer appointed by the Director for the Student Experience ("Level 2 Investigating Officers").
 - 5.1.3 Level 3 misconduct will be investigated by an Investigating Officer appointed by the Director for the Student Experience ("Level 3 Investigating Officers"); but the allegations shall be determined by a Student Disciplinary Panel convened by or on behalf of the Director for the Student Experience for this purpose.

- 5.1.4 The Director for the Student Experience will agree with the Vice-Chancellor which members of the academic and Professional Services staff may act as Level 2 or Level 3 Investigating Officers.
- 5.1.5 The Director for the Student Experience will agree with the Vice-Chancellor which members of the academic or Professional Services staff may be Student Disciplinary Panel members for the purposes of determining a Level 3 misconduct matter.
- 5.2 Within 10 days of receipt of the allegations of misconduct, the Investigating Officer will notify the student who is the subject of those allegations of the complaint. The Investigating Officer will explain to the student the steps to be taken under this Regulation.
- 5.3 The Investigating Officer will invite the student either to admit the alleged misconduct (and make any representations about the action that the University should take), or to deny the alleged misconduct.
- 5.4 Where the student has denied the allegations, the Investigating Officer may make whatever enquiries they believe to be necessary to investigate the allegations of misconduct, having regard to the principles of fairness to all parties.
- 5.5 The Investigating Officer will make a record of all evidence collected during the course of their investigation.
- 5.6 The Investigating Officer may at any stage of the investigation decide that the incident should be reclassified as a different Level of misconduct. In such circumstances the Investigating Officer will stop the investigation and refer the matter to the Director for the Student Experience so that a suitable Investigating Officer may be appointed and the appropriate procedure followed. The student under investigation must be notified of this change as soon as reasonably practicable.
- 5.7 The student under investigation is to be provided with a copy of the allegation and the evidence collected by the Investigating Officer, unless the Investigating Officer determines that part of that evidence should be withheld to safeguard the interests of another party, in which case the student must be provided with such summary of the withheld evidence that the Investigating Officer deems appropriate.
- 5.8 The student under investigation must be afforded reasonable opportunity to make representations about the allegations made against them, including time to provide evidence in support of their own case.
- 5.9 The Investigating Officer will record the student's representations and any evidence provided.
- 5.10 The student will be notified in writing as soon as reasonably practicable if there is any variation of the allegation/s at any stage of the investigation.

6. DETERMINATION OF ALLEGATIONS: LEVELS 1 & 2

- 6.1 The student will be given an opportunity to meet with the Investigating Officer. The student may be accompanied by another student or a member of staff, but the student must make their own representations unless the Investigating Officer considers that there are good reasons to allow someone else to make representations on the student's behalf. Legal representation is not permitted at Level 1 or Level 2.

- 6.2 If the alleged misconduct is admitted in full by the student, the Investigating Officer will determine whether it is appropriate to impose a sanction/s on the student and, if so, decide which sanction/s should be imposed.
- 6.3 If the alleged misconduct is not admitted by the student, the Investigating Officer will decide if there is sufficient evidence to establish on the balance of probabilities (it is more likely than not) that misconduct has occurred and will determine whether it is appropriate to impose a sanction/s on the student and, if so, decide which sanction/s should be imposed.
- 6.4 The student will be notified in writing of the Investigating Officer's decision together with the reasons for the decision and of the right to appeal that decision within 10 working days of the decision being made ("Outcome Letter").

7. DETERMINATION OF ALLEGATIONS: LEVEL 3

- 7.1 When the Investigating Officer has completed their investigation, the Director for the Student Experience will establish a Student Disciplinary Panel ("the Panel"), to determine the allegations.
- 7.2 Members of the Panel shall be selected from those members of staff approved pursuant to paragraph 5.1.5, and shall also include an elected full-time officer of the Students' Union (nominated by the President of the Students' Union).
- 7.3 The Director for the Student Experience will appoint a person to act as secretary to the Panel. The secretary will make a note of the hearing.
- 7.4 The Panel shall be convened and the student shall be notified in writing of the arrangements for the Panel hearing not less than 10 working days before the date of the hearing. The Panel shall meet within 28 days of referral or as soon as is reasonably practicable.
- 7.5 The University will endeavour to take account of a student's personal circumstances in fixing a date and time for the Panel hearing. However a student will be expected to make themselves available to attend the hearing on any day and at any time at which they might reasonably have been expected to be in attendance at the University.
- 7.6 The Panel may proceed with the hearing and make a determination in the absence of the student if it is satisfied that the student has been properly notified of the date and time of the hearing or in cases where criminal proceedings against the student do not allow the student to attend in person.
- 7.7 The Investigating Officer (or such other person who is appointed by the Director for the Student Experience), will present the case on behalf of the University (the "Presenter").
- 7.8 The student may be accompanied by one other person. The student must inform the Director for the Student Experience of the identity of any such person not less than 5 working days before the hearing.
- 7.9 The student is expected to make their own representations to the Panel, unless the Panel determines that there are good reasons why another party should make representations on behalf of the student. A legal representative is not permitted to make representations on behalf of the student.
- 7.10 The student will be asked if they admit the allegations in full. If the allegations are admitted in full the Panel will consider the appropriate sanction to impose.

- 7.11 If the allegation is not admitted in full, the Presenter will set out the allegation to the Panel and present the evidence that they have collected during the course of their investigation.
- 7.12 The Panel will give the student the opportunity to make representations and present their own evidence.
- 7.13 Neither the University nor the student may compel or put a witness under duress to provide a statement or attend the hearing.
- 7.14 The Panel may identify witnesses that it would like to hear from and/or documentation that it would like to see. If the Presenter and/or student have not arranged for those witnesses to attend the hearing and/or provided the required documentation then the Panel may ask one or both of the parties to provide certain information and/or evidence or may seek to obtain that information and/or evidence itself. Any additional information or evidence obtained by the Panel shall be disclosed to the student and the Presenter as soon as reasonably practicable.
- 7.15 The Chair of the Panel has the discretion to adjourn, postpone or halt a hearing.
- 7.16 The hearing shall be held in private.
- 7.17 Having heard all of the evidence and representations, the Panel will retire to deliberate.
- 7.18 The Panel must decide on the balance of probabilities (it is more likely than not), whether the student committed the alleged misconduct. If the Panel determines that all or part of the alleged misconduct was committed by the student, the Panel will consider the appropriate sanction to impose.
- 7.19 Within 10 days of the Panel hearing, the Secretary of the Panel will send an Outcome Letter to the student detailing the allegation, finding and any sanction imposed, together with information about the grounds upon which a decision may be appealed and the procedure to follow.

8. SANCTIONS

- 8.1 The circumstances and context of each case will be taken into account when determining whether a sanction/s should be imposed and if so, which sanction/s should be imposed and, where relevant, the timeframe for compliance.
- 8.2 The following list provides examples of sanctions which may be imposed singly or in combination by the Investigating Officer for Level 1 misconduct. The list is illustrative and is not exhaustive:-
- 8.2.1 the provision of a formal written warning to the student setting out the consequences of any further acts of misconduct;
 - 8.2.2 a requirement for the student to make good, at their own expense, in whole or part, any damage caused by them whether alone or with others up to the value of £200;
 - 8.2.3 a fine up to £200 that may be suspended for up to one year;
 - 8.2.4 a written apology to any person or persons affected by the misconduct;

- 8.2.5 compulsory attendance at an appropriate workshop, course and/or counselling sessions.
- 8.3 The Investigating Officer may take previous acts of misconduct by the student into account when determining which Level 1 sanction is most appropriate.
- 8.4 The following list provides examples of sanctions which may be imposed singly or in combination by the Investigating Officer for Level 2 misconduct. The list is illustrative and is not exhaustive:-
 - 8.4.1 any sanction available to an Investigating Officer at Level 1;
 - 8.4.2 a fine up to £1,000 that may be suspended for up to one year;
 - 8.4.3 a requirement for the student to make good at their own expense, in whole or in part, any damage caused by them whether alone or with others up to the value of £1,000;
 - 8.4.4 a ban from specific facilities or premises for a period up to the remaining duration of the student's expected registration at the University.
- 8.5 The Investigating Officer may take previous acts of misconduct by the student into account when determining which Level 2 sanction is most appropriate.
- 8.6 The following list provides examples of sanctions which may be imposed singly or in combination by the Panel for Level 3 misconduct. The list is illustrative and is not exhaustive:-
 - 8.6.1 any of the sanctions available to an Investigating Officer at Level 2;
 - 8.6.2 a fine up to £2,000 that may be suspended for up to one year;
 - 8.6.3 a requirement for the student to make good at their own expense, in whole or in part, any damage caused by them whether alone or with others;
 - 8.6.4 suspension from the University for up to two years;
 - 8.6.5 expulsion from the University with immediate effect or which may be suspended for up to two years.
- 8.7 If the student fails to comply in whole or in part with any decision of the Panel, the non-compliance may be referred back to a Student Disciplinary Panel and may be treated as a further incident of misconduct. The Panel is entitled to change the sanction/s that had been imposed on the student in a further hearing.

9. APPEAL

- 9.1 The following are the only grounds of appeal which will be considered:
 - 9.1.1 that there was a material procedural irregularity which may have affected the outcome;
 - 9.1.2 that there is evidence which was not considered by the Investigating Officer or Panel which may have affected the outcome and which the student could not reasonably have been expected to have submitted at the time; or

- 9.1.3 that the decision is not one which, given the evidence, could be reasonably sustained.

Level 1 or Level 2 Appeal

- 9.2 If the student wishes to appeal the decision of the Investigating Officer at Level 1 or 2 they must notify the Director for the Student Experience in writing within 10 working days of the date of the Outcome Letter and set out the grounds for the appeal.
- 9.3 The Investigating Officer shall be provided with a copy of the student's appeal and given an opportunity to respond (which may include the provision of documents). A copy of the Investigating Officer's response (if any) will be provided to the student by the Director for the Student Experience.
- 9.4 The student's appeal and any response will be considered by a Pro-Vice-Chancellor and their decision will be based upon the papers. The Pro-Vice-Chancellor may:
- 9.4.1 uphold the decision of the Investigating Officer; or
 - 9.4.2 set aside the decision of the Investigating Officer and substitute their own decision.
- 9.5 The Pro-Vice-Chancellor has the discretion to make a decision and / or impose a sanction which is more or less serious than that imposed by the Investigating Officer. The Pro-Vice-Chancellor's decision is final.
- 9.6 The student will be notified in writing of the Pro-Vice-Chancellor's decision together with the reasons for their decision within 5 working days of the decision being made.

Level 3 Appeal

- 9.7 If the student wishes to appeal the decision of the Student Disciplinary Panel they must notify the Director for the Student Experience in writing within 10 working days of the date of written notification of the Panel's decision and set out the grounds for the appeal together with any supporting evidence.
- 9.8 A member of the University Executive Group ("UEG") who has not had any previous involvement with the case will review the appeal and decide if it has a real prospect of success or if there is some other compelling reason why the appeal should be considered. If the member of UEG decides that the appeal has a real prospect of success or that there is some other compelling reason why the appeal should be considered then it shall be referred to a Student Disciplinary Appeal Committee. If not, then the decision of the Student Disciplinary Panel will stand. The student shall be notified in writing of the decision together with the reasons for the decision within 5 working days of the decision being made.
- 9.9 The Student Disciplinary Appeal Committee shall consist of one member from each of the following three groups who has not previously been involved in the disciplinary process:
- 9.9.1 the Chair of Council or the Vice-Chair of Council (as Chair);
 - 9.9.2 one senior member of staff (drawn from the Approved Persons List); and
 - 9.9.3 an elected full-time officer of the Students' Union (nominated by the President of the Students' Union).

- 9.10 The Director for the Student Experience will appoint a person to act as secretary to the Student Disciplinary Appeal Committee. The secretary will make a note of the meeting.
- 9.11 The Student Disciplinary Appeal Committee will meet within 28 days of the referral or as soon as is reasonably practicable.
- 9.12 The Presenter will be provided with a copy of the student's appeal and given an opportunity to respond (which may include the provision of documents).
- 9.13 Not less than 10 working days before the meeting of the Student Disciplinary Appeal Committee, the student will be provided with a copy of all documentation that the Presenter has submitted to the Student Disciplinary Appeal Committee.
- 9.14 Not less than 5 working days before the meeting of the Student Disciplinary Appeal Committee, the student will provide the Director for the Student Experience with a copy of any reply they wishes to make to the information and documentation provided by the Presenter.
- 9.15 Where the Chair deems that there are special circumstances which require a shorter or longer timescale than those set out in this paragraph 6.5, the Chair may vary the timescales and explain the reasons for the variation to the student and the Presenter in writing as soon as reasonably practicable.
- 9.16 The Student Disciplinary Appeal Committee will usually carry out a review of the case based on the papers and will not re-hear the case. However, the Chair of the Student Disciplinary Appeal Committee has the discretion to re-hear the case if they decides that a re-hearing is appropriate. If so, the Chair will determine how the hearing shall be conducted.
- 9.17 Decisions of the Student Disciplinary Appeal Committee shall be reached by a simple majority vote of the members.
- 9.18 The Student Disciplinary Appeal Committee may:
- 9.18.1 confirm, set aside or vary any finding of misconduct by the Student Disciplinary Panel; and / or
 - 9.18.2 confirm, set aside, increase, decrease or vary any sanction imposed by the Student Disciplinary Panel.
- 9.19 The decision of the Student Disciplinary Appeal Committee together with the reasons for the decision will usually be communicated in writing to the student and Presenter by the Student Disciplinary Appeal Committee within 10 working days of the meeting and the decision shall be final.

10. CASES SUBJECT TO CRIMINAL INVESTIGATION

- 10.1 Where a criminal investigation is being undertaken in relation to the Incident, the University may suspend the disciplinary process (at any stage) until the criminal investigation and any legal proceedings have been concluded.
- 10.2 Where the student has been convicted of a criminal offence, the University may take action under this Regulation and/or may refer the case to its Committee on Criminal Convictions. A conviction in a criminal court will be taken as conclusive evidence that the offence has occurred and no further investigation shall be required by the University. The focus of any

disciplinary process and/or review by the Committee on Criminal Convictions will therefore be on the impact and effect of the conviction and/or on the sanction/s (if any) to be applied.

- 10.3 Where a decision is taken by the police or crown prosecution service not to pursue a criminal case against the student or where the student has been acquitted of a criminal offence, the University may still take disciplinary action if there are outstanding matters of concern which have not been addressed through the criminal process.

11. REPORTING AND MONITORING

- 11.1 The Director for the Student Experience will produce an annual report on disciplinary cases for the Council. This will detail the number of cases handled at each Level, a summary of the outcomes and highlight any areas for improvement.

12. THE OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA) FOR EDUCATION

- 12.1 Students who have exhausted the University's internal procedures will be issued with a completion of procedures letter and informed that they may make a complaint to the OIA. The OIA's website (www.oiahe.org.uk) contains full details of the scheme.

13. DISCLOSURE OF DISCIPLINARY CASES

- 13.1 The Director for the Student Experience will disclose information relating to disciplinary cases to the extent that is necessary to comply with legal obligations and they may provide any information that they believe is appropriate to any relevant accreditation, professional or regulatory body.

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