

Student Disciplinary Procedure 2017/18

Managed by: Head of Student Experience (Admin) Approved by SMG: Yes

Department Registry

Date approved by SMG: 09/2017

Type of document: Procedure

Review date 07/18

Version Control

Version number	Purpose/change	Name and job title	Date (DD/MM/YYYY)
1	Revision of Existing Policy	Head of Student Experience (Admin)	September 2017

Table of Contents

1.0 Purpose	3
2.0 Scope	3
3.0 Policy Statements	3
3.1 Misconduct	3
3.2 Misconduct that is also a Criminal Offence or is subject to Civil Proceedings	4
3.3 Suspension Pending a Hearing	5
3.4 Initiation of Disciplinary Procedure	6
3.5 Representation at Meetings and Hearings	7
3.6 Attendance at Meetings and Hearings	7
3.7 Summary Procedure	7
3.8 Student Disciplinary Panel	8
3.9 Sanctions	11
3.10 Academic Misconduct Procedure	13
3.11 Consideration in Absence	14
3.12 Appeals	14
3.13 Student Disciplinary Appeals Panel	15
3.14 Legal Representation	17
4.0 Audio Recording	17
5.0 Burden and Standard of Proof	17
6.0 Data Protection	17
7.0 Implications for international students	18
8.0 External Review	18
9.0 Governance, Management, Advice and Support	18
10.0 Related Documentation	18
11.0 Appendices	18
Appendix A – Flowchart for the Student Disciplinary Procedure	19
Appendix B - Guidance Note on the application of sanctions, mitigation & aggravation	20
Appendix C – Misconduct	23

Purpose

- 1.1.1 The Student Disciplinary Procedure is intended to provide a clearly formulated and impartial process for dealing with allegations relating to student discipline or behaviour within a reasonable timescale having due regard to the spirit of natural justice. A flow chart setting out the possible stages of the Student Disciplinary Procedure is set out as Appendix A.

Scope

- 1.1.2 The Procedure is for University use. The Procedure may be initiated in response to reports from staff, other students or third parties. Once a case is being considered it is a matter between the University and the student(s) concerned. The Procedure is not used to resolve third party concerns, or matters that would be more appropriately dealt with through other channels (e.g. criminal or civil courts).
- 1.1.3 A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still in the process of being dealt with under this Procedure.
- 1.1.4 Where a student withdraws once the Procedure has been initiated, the University may choose to continue to hear a case. Should the University choose not to proceed with a case a note will be placed on the student file and the case re-activated should the student wish to re-apply to the University.
- 1.1.5 Where a student is on an interruption of study or suspended from the University, normally any formal hearing of a case will be postponed until the interruption or suspension is completed. However if the case is deemed serious by the Centre Head or if the student concerned requests it, the University reserves the right to continue with the Procedure.
- 1.1.6 Where the Procedure refers to Centre Head it shall be taken also to refer to a Head of Professional Services, an appropriate nominee of a Centre Head or Head of Professional Service, or the Deputy Vice-Chancellor or a nominee of the Vice Chancellor/Deputy Vice-Chancellor from amongst the membership of the Vice Chancellor's Senior Management Group(SMG) as appropriate.

Policy Statements

Misconduct

- 1.1.7 Any student studying or registered at the University shall be subject to disciplinary measures if the student is found to have committed an act of misconduct. The essence of misconduct under this Procedure is:
- i) that it obstructs, frustrates or disrupts the functioning or activities of the University, or of those who work or study at the University;
 - ii) that it otherwise damages the University or its reputation, whether this takes place on campus or off campus. The University may, at its discretion, bring forward independent evidence, commissioned from sources other than the University, on the potential impact of allegations upon the University's reputation.

1.1.8 In particular Appendix D provides indicative examples of what shall constitute misconduct, whether occurring on University premises or elsewhere including in the virtual environment such as social networking or other websites.

Misconduct that is also a Criminal Offence or is subject to Civil Proceedings

1.1.9 The following procedures apply where the alleged misconduct is reported to the Centre Head (or equivalent, see note) and the misconduct is, or is likely to be, subject to any police action, criminal proceedings and/or civil proceedings.

1.1.10 The Centre Head may at any stage defer (either completely or partially) the taking of any action under this Procedure in relation to the student's misconduct until the police action, criminal proceedings and/or civil proceedings against the student have been concluded. The Centre Head shall notify the student where it is decided to defer under this provision.

1.1.11 The Centre Head must ensure in cases arising which involve police action, criminal proceedings and/or civil proceedings against a student of the University that the Head of Student Experience (Admin) is informed at the earliest opportunity.

1.1.12 In cases where the allegation concerns the most serious misconduct (for example sexual violence) the Head of Student Experience (Admin) will arrange for an appropriate member of staff to be identified to act as a key contact for the student under investigation (normally a member of staff from the Centre) and, where an alleged victim is a student of the University, to support the alleged victim (normally a member of staff from Student Support Services).

The University shall normally report any suspected criminal offence to the Police. However, if a person claims to be the victim of an offence committed by a student, but does not wish the Police to be involved, the Centre Head may agree not to report the matter.

1.1.13 The University may rely upon any finding of guilt or liability made against the student in any criminal and/or civil proceedings for the purposes of taking action against the student for misconduct under this Procedure, but only if and to the extent that the finding relates to that misconduct.

1.1.14 Where a student has been sentenced by a criminal court in respect of misconduct, the sentence imposed shall be taken into consideration when determining any sanction for that misconduct under this Procedure.

1.1.15 Where a student has been convicted and a custodial sentence has been imposed in the UK the Centre Head may submit an application to withdraw that student's registration. The Secretary and the Chair of the Student Disciplinary Panel shall receive these applications and forward a recommendation to the Deputy Vice-Chancellor (DVC) for action. As a guide where a sentence is a year or more then withdrawal would be expected, but the final decision rests with the DVC on the advice of the Chair of the Student Disciplinary Panel or nominee and the Head of the Student Experience (Admin).

Suspension Pending a Hearing

- 1.1.16 A student who is the subject of a complaint of misconduct may be suspended by the Centre Head (or in cases deemed to be urgent by the Deputy Vice-Chancellor or a nominee of the Deputy Vice Chancellor from amongst the membership of the SMG) pending a disciplinary hearing and, if applicable, any subsequent appeal. Such a suspension is reserved for cases of serious misconduct and may be made with or without any reasonable conditions (as determined by the Centre Head).
- 1.1.17 Suspension pending a hearing is a neutral act in the context of the eventual determination of whether an allegation is found to be proven or not proven. Its purpose may be, for example,
- to ensure that potential witnesses or other evidence are not subject to interference;
 - to avoid any repetition of the circumstances which led to an allegation;
 - to ensure the safety and wellbeing of the University community, including the student against whom an allegation has been made.
- 1.1.18 Written reasons for the decision to suspend shall be recorded by the Centre Head and sent to the student, copied to the Head of Student Experience (Admin).
- 1.1.19 A student who is suspended pending a hearing may be wholly or partly prohibited from entering all or specific University premises, and from participating in University activities, including exercising their functions or duties of any office or committee membership in the University. The student's access to IT facilities may be withdrawn during the suspension. Suspension may be subject to further qualification, such as permission to take an examination or submit an assignment. A Head of Professional Services considering suspension pending a hearing must consult the student's Centre Head on the potential impact upon the student's studies. A suspended student should seek guidance from their Centre on how they might nevertheless best continue their studies. The terms of the suspension shall be notified in writing to the student. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.
- 1.1.20 Where the student is also a member of staff guidance should be sought from the Human Resources and the Head of Student Experience (Admin) as to whether any allegation might be considered under a separate specific procedure, or an agreed amended procedure; e.g. the constitution of a Panel hearing may be amended.
- 1.1.21 Normally no student shall be suspended unless they has been given the opportunity, normally within 5 working days, to make representations to the Centre Head, either in person or in writing, as the student chooses. Such representations may be put forward by the student or by a friend or representative with the recorded consent of the student.
- 1.1.22 In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, a student may be suspended with immediate effect and before being given the opportunity to make representations. In this instance, the student or their representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.

- 1.1.23 On the advice of the Head of Student Experience (Admin) or nominee, the Vice-Chancellor or another member of the SMG shall review the suspension on receipt of evidence of significantly altered circumstances, which might affect the order. That review shall be serviced by an officer of the Registry. A student wishing to instigate such a review can do so at any point during the suspension via a written request submitted through the Head of Student Experience (Admin). Such a request should provide appropriate supporting evidence.
- 1.1.24 In the interests of the student and University to expedite the Procedure, the Centre Head may conduct a hearing in relation to possible suspension and a preliminary interview (as set out in section 3.4) consecutively at the same meeting.
- 1.1.25 Where a student is suspended pending a hearing, but the disciplinary hearing (and, if applicable, any subsequent appeal) is delayed because of the decision of the Centre Head to defer action under paragraph 3.3, it should be noted that the student's suspension may last for a longer period.
- 1.1.26 Where a student is suspended pending a hearing relating to allegations of behaviour that are considered to possess a potential threat to the wellbeing or safety of others then the Head of Student Experience (Admin) will inform Security and the Students' Union.
- 1.1.27 Where a student is studying on a Tier 4 visa, discussions should be held with the Head of Student Experience (Admin) at the earliest opportunity to confirm any potential impact on the student's visa.

Initiation of Disciplinary Procedure

- 1.1.28 The Disciplinary Procedure shall be initiated when a person reports an allegation of misconduct to the Centre Head. Where the Centre of the student against whom an allegation is made is not known (but the name of the student subject to the allegation is known) the report may be made to the Head of Student Experience (Admin) in the first instance. It is the responsibility of the Centre Head to notify the student in writing of the general nature of the alleged misconduct reported. If the allegation arises from investigations under the Academic Misconduct Procedure, it shall be the responsibility of the Centre Head to notify the student that the alleged offence is being reported.
- 1.1.29 The Centre Head shall normally hold a preliminary interview with the student before deciding whether any further action should be taken. If the allegation arises from investigations under the Academic Misconduct Procedure, there is no requirement to hold a preliminary interview. The preliminary interview shall normally take place within 5 working days of the alleged misconduct being reported.
- 1.1.30 Subsequent to the interview, the Centre Head may dismiss the allegations immediately if the Centre Head believes that there is no case for the student to answer, or if there is another reason to do so.
- 1.1.31 The Centre Head may elect to suspend the student from some or all of their University activities pending further investigation either by the University or the Police as outlined in Section 3.3 above.

1.1.32 Where the student is also a member of staff guidance should be sought from the Human Resources and the Head of Student Experience (Admin) as to whether any allegation might be considered under a separate specific procedure.

Representation at Meetings and Hearings

1.1.33 The student may be accompanied at any meeting or hearing under this Procedure by a representative of the student's choice and that representative must be willing to act in this capacity and may speak on the student's behalf. The representative must not be someone who has been suspended or excluded from the University for any reason. Details of requests for legal representation are given in Section 3.14.

1.1.34 It is the responsibility of the student (and not the University) to relay all relevant notices and other communications under the Procedure to the representative.

1.1.35 Where a representative is attending a hearing on the student's behalf:

- the hearing will only be required to consider the representations which are made by the representative on the student's behalf at the hearing and not normally any written or oral representations which the student may make before or at that hearing;
- the student must provide the name of the representative in writing to the University before the hearing.

Attendance at Meetings and Hearings

1.1.36 If, for good reason, a student is unable to attend a meeting or hearing under the Procedure, then the student may request permission from the University for the student's representative (see Section 3.5) to attend that meeting or hearing without the student to present the case on the student's behalf. Where the student can evidence good cause, a hearing may be postponed at the discretion of the Centre Head/Chair of the Panel.

1.1.37 The student will be responsible for paying the costs of their own or their representative's attendance and the University will not reimburse them.

1.1.38 A student may request to attend the hearing via "video conference". In such cases the student must make the request in writing at least 5 working days prior to the hearing. The student is responsible for ensuring that they, the student, have access to appropriate technology.

Summary Procedure

1.1.39 If the Centre Head considers it appropriate to do so, and if the student agrees, the matter may be dealt with summarily at a meeting, normally held within a minimum of 10 working days and a maximum of 20 working days after the preliminary interview unless the student agrees in writing that a shorter period is acceptable, and without recourse to the Disciplinary Panel. In reaching a decision on whether the matter should be dealt with summarily, the Centre Head shall consider the nature of the allegation and whether the sanctions available in the event of a decision of that an act of misconduct had occurred would in the Centre Heads view be sufficient. The Centre Head shall issue notice to all parties accordingly.

- 1.1.40 Another member of Centre staff (or a member of staff appointed by the Head of Student Experience (Admin)) shall also be present and shall advise the Centre Head and keep a brief record of the proceedings. The student shall be advised by the Centre Head that the following factors will be taken into account as mitigation in determining an appropriate sanction in the event of an admission or a decision that an act of misconduct had occurred:
- that the student admitted the misconduct at the earliest opportunity. Some degree of mitigation will still be given even if the student admits the misconduct later in the process, provided that this admission is before any hearing;
 - that the student agrees to the matter being dealt with on a summary basis rather than by the Disciplinary Panel.
- 1.1.41 If the matter is dealt with summarily, the Centre Head shall consider written or oral evidence as they think fit. The Centre Head shall find the student had committed an act of misconduct only if, on the available evidence, the Centre Head is satisfied, on the balance of probabilities, of the occurrence of misconduct. If the Centre Head finds the student committed an act of misconduct, the Centre Head may impose any of the sanctions set out at Section 3.9 of this Procedure other than h) suspension for up to twelve months; i) withdraw a past award or academic credit; or j) expulsion from the University.
- 1.1.42 At the termination of the proceedings, the Centre Head shall write to the student. If the Centre Head finds the student had committed an act of misconduct, the letter shall set out the alleged misconduct, a brief summary of evidence received, the grounds for the decision that an act of misconduct had occurred, the sanction imposed, and the factors taken into account in deciding the sanction. A copy of the brief record of the proceedings and any letter to the student shall be lodged with the Head of Student Experience (Admin).
- 1.1.43 In either of the cases below, the Centre Head may refer the matter to the Student Disciplinary Panel under the procedure set out in paragraph 3.8 below:
- a) The Centre Head does not consider it appropriate to deal with the matter summarily.
 - b) The student does not agree to the matter being dealt with summarily.
 - c) Having agreed to have the matter dealt with summarily, the student fails without good cause to attend the meeting which is arranged by the Centre Head.
- 1.1.44 There is a right of appeal against both a decision that an act of misconduct had occurred and any sanction imposed under this summary procedure as set out in paragraph 3.12.

Student Disciplinary Panel

- 1.1.45 If a matter is to be referred to the Student Disciplinary Panel, the Centre Head shall notify the Head of Student Experience (Admin). The Head of Student Experience (Admin) shall convene the Panel and shall notify the student in writing of the alleged misconduct and of the arrangements for further consideration of the student's case. If there are a series of related alleged misconducts involving one or more students the Panel may, at the discretion of the Chair, deal with all the allegations at one hearing.

- 1.1.46 The matter shall usually be considered at the next scheduled meeting of the Student Disciplinary Panel. However after the initial interview between the student and the Centre Head the student shall be given a minimum of 10 working days' notice before the meeting of the Panel and invited to attend except where the Centre Head has agreed in writing that shorter notice is acceptable.
- 1.1.47 Membership of the Panel shall be drawn from a pool of staff members nominated by Centre Head and nominee(s) of the Students' Union. Different staff will be involved in offering guidance to students, than those serving as Panel members or as members of the Appeal Panel. Section 9.0 below provides contact details for advice and assistance on making an appeal. Each meeting of the Panel shall comprise two staff members, one of whom shall be Chair, and one nominee of the Students' Union. All Panel members shall be drawn from outside the student's Centre. An officer of the Registry shall act as Secretary but shall not constitute a member of the Panel or take part in the decision making.
- 1.1.48 The Centre Head or nominee shall attend to present the case.
- 1.1.49 The Secretary of the Panel shall ask the Centre Head or nominee to set out the allegation(s) in full (and to name witnesses, if any, to be called) in advance of the hearing. A copy shall be sent to the student at least 10 working days before the hearing.
- 1.1.50 The student shall respond in writing no later than 5 working days before the hearing to the allegations provided in writing, outlining the basis of their defence against the allegations and naming witnesses, if any, who are to provide evidence in writing or who are to be called. Evidence to be provided in writing must be submitted no later than 5 working days before the hearing.
- 1.1.51 The Centre Head or nominee and the student may call witnesses. The University must notify the student of any witnesses called at least 10 working days before the hearing. A student must notify the University of any witnesses they intend to call at least 5 working days before the hearing.
- 1.1.52 The Secretary of the Panel may also call for witness statements in support of the allegation in advance of the hearing. If such statements are requested they are required to be submitted to the Head of Student Experience (Admin) at least 5 working days before the allegation is heard. Such statements shall be circulated to all parties in advance of the hearing.
- 1.1.53 The Order of Proceedings shall normally be as follows:
- i) Introduction of those present, outline of procedure;
 - ii) Student invited to declare any factors which may affect their performance in the hearing;
 - iii) The allegations of misconduct shall be set out by the Centre Head or nominee;
 - iv) The student, or the student's representative, shall respond to the allegations;
 - v) The Panel shall have the opportunity to question both the Centre Head or nominee and the student;

- vi) Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Panel, or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw (students shall bear the costs of whichever witnesses they choose to call);
- vii) The Centre Head or nominee shall sum up the allegations. New evidence is not admissible at this time;
- viii) The student shall sum up. New evidence is not admissible at this time;
- ix) The Centre Head or nominee and the student shall withdraw whilst the Panel reach their decision.

1.1.54 The order may be varied at the discretion of the Chair.

1.1.55 Witnesses can be required to attend to give evidence in person. The Panel may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Panel it is for some other reason in the interest of justice to do so.

1.1.56 The Panel may impose time limits on oral addresses and submissions.

1.1.57 The Panel shall rely only on evidence presented at the hearing, or in written format beforehand.

1.1.58 The Panel may ask for additional enquiries to be undertaken and may call for additional witnesses to attend. If two or more students are involved in related allegations of misconduct, the Panel may at its discretion deal with their cases together.

1.1.59 Exceptionally, at the discretion of the Panel, proceedings may be adjourned for a period not normally exceeding 20 working days in the first instance, and its decision deferred for that period.

1.1.60 The Panel shall find a student had committed an act of misconduct, on the evidence before it, it is satisfied on the balance of probability that the student had committed the act of misconduct. If the members of the Panel cannot agree, the verdict of the Panel shall be that of the majority of its members.

1.1.61 A decision that an act of misconduct has occurred should be made based on the evidence of the specific instance before the Panel.

1.1.62 When considering the Sanction, the Panel should be permitted to consider evidence relating to similar types of misconduct previously confirmed. As an example, a Centre Head or nominee may refer to misconduct in a previous case relating to the Academic Misconduct Procedure where a breach of that same Procedure is alleged. However a Centre Head or nominee may not refer to proven misconduct in relation to damaging University property where the new allegation relates to the Academic Misconduct Procedure. Such Any evidence regarding previous misconduct cases of a similar nature must be considered alongside all other evidence submitted when deciding on a sanction, but must not form the sole or main evidence otherwise considered.

- 1.1.63 Wherever possible, the decisions of the Panel, whether an act of misconduct had occurred and any sanction/sanctions shall be communicated orally to the student after adjourning to consider the evidence and shall also be confirmed in writing, normally within 5 working days. Where this oral communication is not possible the decisions of the Panel shall nevertheless be communicated in writing to all parties, normally within 5 working days.
- 1.1.64 The decision of the Panel will be communicated to the Centre and may then inform a decision on whether any further action need be taken in the context of the Fitness to Study Procedure. However for the avoidance of double jeopardy the University will not consider the same case through two separate procedures.
- 1.1.65 Except with the authority of the student, the proceedings of the Panel shall remain confidential, with the exception of its verdict and any sanction imposed.

Sanctions

- 1.1.66 If a student is proven to have committed an act of misconduct, sanctions may be imposed by the Centre Head in matters dealt with summarily, or by the Disciplinary Panel in other cases. The sanctions are set out below. The sanction shall take account of any representations in mitigation made by the student or the student's representative. A Head of Professional Services considering a sanction must consult the Student's Centre Head where there is likely to be a significant impact upon the student's studies. Sanctions 5.9 vii) suspension for up to twelve months, 5.9 viii) to withdraw a past award or academic credit or 5.9 ix) expulsion from the University are not available under the summary procedure.
- 1.1.67 When determining sanctions, consideration shall be given to the seriousness of the misconduct, the circumstances of the misconduct, and the means and general personal circumstances of the student and also whether the University has suffered any particular detriment as a result of the misconduct. The overriding principle underpinning the determination of sanctions is that these should be proportionate to the particular offences. Account should also be taken of the feasibility of discharging the sanction. A guidance note on mitigation and aggravation is attached as Appendix B.

The sanctions that may be imposed are one, or a combination of, the following:

- a) **Written undertaking by the student.** This may include specific actions which should be clearly specified by the Panel, including dates for completion and the point/process for signoff. These would include one or more of:
 - i. To be of good conduct for a period determined by the Panel hearing.
 - ii. To complete an action log on a specific aspect of conduct relevant to the finding of the Panel.
 - iii. To complete a reflective essay on specific aspect(s) of their behaviour, understanding and/or conduct relevant to the finding of the Panel (the Panel must specify the length of the essay). A member of staff from the relevant programme team from within the Centre may be required to recommend to the Chair that the action has been appropriate to allow the Chair to sign off

the reflective essay and confirm that it has met appropriate standards given the specific profession and the level of the student.

- b) **First Written Warning.** This shall give details of the concerns, the improvement required and the timescale. It shall warn that further action will be considered if there is no satisfactory improvement (as determined by the Centre Head (or nominee)). A copy of the First Written Warning shall be placed on the student's record, but will be removed from the record and disregarded for disciplinary purposes after a period of 12 months, subject to satisfactory conduct and performance within that period.
- c) **Final Written Warning.** This shall be issued if there is still a failure to improve and conduct remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but not to justify expulsion. A Final Written Warning shall give details of the concerns, shall warn that expulsion is likely to result if there is insufficient improvement. A copy of this Final Written Warning shall be placed on the student's record. Final Written Warnings shall be removed from the record and disregarded for disciplinary purposes after a period of 24 months, subject to satisfactory conduct and performance within that period;
- d) **A fine** up to a maximum of £500 (amount subject to periodic review).
- e) **Compensation** of a reasonable sum in respect of identified and quantified loss e.g. for damages to cover full or partial costs.
- f) **Performance of unpaid services** for the University community to a maximum of 40 hours.
- g) **Limited period of suspension** from the University for a fixed period of time, up to a maximum of three months.

A student who is suspended maybe prohibited from entering all University premises, from placement and from participating in University activities. Suspension may be subject to qualification, such as permission to take an examination or remote access to the Library and IT Services. The terms of the suspension shall be confirmed by the Panel and be notified to the student in writing with the outcome of the hearing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons. Any breach in the terms of the suspension may result in a student receiving a further more serious sanction (an extended suspension, withdrawal from the programme or expulsion).

- h) **Extended period of suspension** from the University for a fixed period of time, from three months up to a maximum of twelve months.

A student who is suspended maybe prohibited from entering all University premises, from placement and from participating in University activities. Suspension may be subject to qualification, such as removal of access to University email, permission to take an examination or remote access to the Library and IT Services. The terms of the suspension shall be confirmed by the Panel and be notified to the student in writing with the outcome of the hearing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.

Any breach in the terms of the suspension may result in a student receiving a further more serious sanction (withdrawal from the programme or expulsion).

- i) **Withdrawal of academic credit or award.** This would normally be restricted to the most serious occasions of academic misconduct where credit has already been ratified by a University Examinations Committee, or where the most serious misconduct activity interfered with and disrupted the learning of others. The process is by a recommendation to Academic Board that credit or an award already conferred, at any time during the student's registration, be withdrawn.
- j) **Expulsion** from the University, which means that the student ceases to be a member of the University, has their registration as a student cancelled and loses all rights and privileges of membership. A student expelled from the University would not be permitted to study within the University for a period of at least 10 years.

Academic Misconduct Procedure

1.1.68 Sanctions imposed following referral to the Student Disciplinary Panel by a Centre under the Academic Misconduct Procedure shall also include one of the following:

- a) a mark of 0 is awarded for the component of assessment in question;
- b) a mark of 0 is awarded for the component in question and the module mark kept at the minimum pass mark
- c) a mark of 0 is awarded for the component in question and marks for all modules at that level will be kept at the minimum pass mark.

so that the 'academic' sanction imposed is consistent with what would have been imposed under the Academic Misconduct Procedure.

1.1.69 Any student found to have committed academic misconduct may be required by the Panel, in addition to the above, to undertake appropriate study skills.

1.1.70 Proven cases of academic misconduct will be referred back to the University Examinations Committee for implementation of the sanction. The University Examinations Committee will inform the student of its decision in the normal way and of any academic requirements following the implementation of the sanction.

1.1.71 Following referral by the Centre Head under the Academic Misconduct Procedure a 'disciplinary' sanction may also be imposed. However account should be taken of the overall impact of any imposition of both a 'disciplinary' and an 'academic' sanction.

1.1.72 Normally, any proven case of academic misconduct at Level 8 will result in the expulsion of the student from the University. In exceptional cases where the nature of the misconduct is marginal and there are significant and compelling evidenced exceptional circumstances, then for a student at Interim Assessment (IA) or Internal Evaluation (IE) the Student Disciplinary Panel may set a sanction of 'fail' for that assessment, with the requirement that the student undertake further training on academic good practice and provide a personal written reflective statement on academic good practice and academic misconduct to be signed off by the Director of Research and Knowledge Exchange prior to recommencement of study, and in no less than 20 working days from the date of

notification. In such exceptional circumstances the Panel must provide and record a clear and explicit rationale as to why a sanction other than expulsion was determined.

Consideration in Absence

- 1.1.73 At all stages of this Procedure, if it appears to those considering an allegation of misconduct that the student in question is suffering from significant illness the proceedings may be adjourned for the preparation of a medical report.
- 1.1.74 If there is medical evidence provided by the student that the student is suffering from significant illness, those dealing with the allegation may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seeks appropriate support and/or treatment. However, the matter may be considered in absence if those dealing with the allegation are not satisfied that the medical evidence provided precludes attendance.
- 1.1.75 Exceptionally circumstances may arise, as serious as a significant illness, which if evidenced by the student would permit adjournment, suspension or termination of proceedings. These circumstances must be evidenced comprehensively otherwise those dealing with the allegation shall consider it in absence.
- 1.1.76 If a student declines to attend any meeting or hearing under this Procedure, the allegation may anyway be considered in absence on the basis of the evidence available at the time of the meeting or hearing.

Appeals

- 1.1.77 The student shall be allowed 10 working days from the date on the outcome letter (either the outcome letter from a Centre Hearing or a Panel hearing to provide written notice of an appeal and relevant evidence to the Head of Student Experience (Admin). Appeals must be submitted using an appeal form.
- 1.1.78 The appeal must identify the ground(s) of appeal being relied upon which may be any or all of the following:
- i. that new and relevant evidence is available which, for good and reasonable cause, was not available to the Centre Head or Hearing Panel (as the case may be) at the earlier stage of this Procedure. (Exceptional circumstances are needed to explain why any evidence could not have been made available);
 - ii. that there was a relevant and significant defect, error or mistake in the conduct of the earlier stage of this Procedure which casts reasonable doubt on the decision reached by the Centre Head or Panel hearing (as the case may be) in that the decision might have been different if the defect, error or mistake had not occurred;
 - iii. that the decision reached at the earlier stage of this Procedure is manifestly unreasonable. In this context, unreasonable will be taken to mean perverse, i.e. the decision was not one that a similar process might have reached.
- 1.1.79 A request from a student for a rehearing is not a valid ground of appeal.

- 1.1.80 The student must not only state a ground or grounds for appeal but must also provide evidence to substantiate those grounds. An appeal shall only be granted if there is evidence to support one or more of the grounds set out above.
- 1.1.81 The Head of the Student Experience (Admin) (or nominee) shall, in all cases, and normally within 5 working days, determine whether the appeal has been received within the appropriate timescale and discloses a valid ground of appeal.
- 1.1.82 The Head of the Student Experience (or nominee) shall reject any appeal which does not disclose a valid ground of appeal; does not evidence a ground or ground(s) of appeal or is out of time. In such instances, the student shall be formally notified by a Completion of Procedures Letter.
- 1.1.83 If the notice of appeal is accepted as valid by the Head of the Student Experience (or nominee), depending on the ground(s) for appeal, they may refer the case back to an earlier stage of the Procedure or to an Appeal Panel as appropriate.
- 1.1.84 The Chair of the Student Disciplinary Panel shall have power to defer the operation of the sanction where an appeal is pending against a decision of the Disciplinary Panel to suspend a student, to withdraw an award or to expel a student pending that appeal.

Student Disciplinary Appeals Panel

- 1.1.85 Where the Head of Student Experience (Admin) (or nominee) refers a case to an Appeal Panel, the Head of Student Experience (Admin) shall arrange for a Panel to be established as soon as possible, normally within 30 working days, to consider the appeal and to determine an outcome.
- 1.1.86 The Disciplinary Appeal Panel shall be drawn from a pool of staff nominated by the Centre Head and the Students' Union. Each meeting of the Disciplinary Appeal Panel shall comprise two staff members, one of whom shall be Chair, and one nominee of the Students' Union. All Disciplinary Appeal Panel members shall be drawn from outside the student's Centre. Any person who was a member of the original hearing shall take no part in the meeting of the Disciplinary Appeal Panel at which any appeal from the Disciplinary Panel's decision is considered (except for the purposes of presenting a report). An officer of the Registry shall act as Secretary.
- 1.1.87 The Centre Head and the Chair of any original panel shall, as soon as is reasonably possible, receive a full copy of any evidence submitted by the student. The Centre Head may make a written response for submission at least 5 working days before the date of the Appeal Panel hearing. These responses should not include new information or evidence not directly related to the grounds for appeal. They may also notify the Head of Student Experience (Admin) of any witnesses they wish to call. This information must be provided at least 5 working days before the date of an Appeal Panel.
- 1.1.88 The Disciplinary Appeal Panel may dismiss an appeal without a full hearing if it considers that the appeal, although not rejected by the Head of Student Experience (Admin), was in fact not made on the allowable grounds or was out of time.

- 1.1.89 The student shall receive written notification from the Head of Student Experience (Admin) and of whether the University will call witnesses, giving at least 5 working days' notice of the date and time when the Appeal Panel will convene.
- 1.1.90 There shall be no entitlement to a rehearing of a case. The Disciplinary Appeal Panel may overturn a decision that a student was guilty on appeal where it considers it just to do so.
- 1.1.91 The student and/or the person accompanying him/her may speak on a student's behalf. The student shall be the first party to present their case to the Disciplinary Appeal Panel. The Centre Head or nominee shall present the response to that case.
- 1.1.92 The Chair of the Disciplinary Panel shall also be entitled to make a written submission or oral representations to the Disciplinary Appeal Panel.
- 1.1.93 The Disciplinary Appeal Panel hearing an appeal against a sanction may impose a lesser or greater sanction, having considered whether the original sanction imposed was fair and reasonable in the light of all the circumstances of the case and the student's means and general personal circumstances.
- 1.1.94 Order of proceedings for a Student Disciplinary Appeal Panel shall normally be:
- i) Introduction of those present, outline of procedure;
 - ii) Student invited to declare any factors which may affect their performance in the hearing;
 - iii) Grounds for appeal shall be set out by the student, or the student's representative;
 - iv) The Centre Head or nominee, shall respond to the appeal;
 - v) The Panel shall have the opportunity to question both the Centre Head or nominee and the student;
 - vi) Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Appeal Panel, or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw (students shall bear the costs of whichever witnesses they choose to call);
 - vii) The student shall sum up their Appeal. New evidence is not admissible at this time;
 - viii) The Centre Head or nominee shall sum up the response to the Appeal. New evidence is not admissible at this time;
 - ix) The Centre Head or nominee and the student and their representative shall withdraw whilst the Panel reach their decision.
- 1.1.95 The Panel, where there is good cause to do so, may amend the order of proceedings. In such instances the Chair must confirm the amendment and the reasons for this, and both shall be recorded in the minutes of the hearing.
- 1.1.96 The Disciplinary Appeal Panel shall consider its decision and shall notify the appellant of its decision and its reasons normally within 5 working days. The decision of the

Disciplinary Appeal Panel shall be final and no further appeal may be permitted within the University. Unless the case against the student is dismissed at the appeal stage, the notification of the outcome of the appeal will include a statement of the exhaustion of all University procedures: 'a Completion of Procedures Letter'.

Legal Representation

- 1.1.97 There is no automatic right for a student to have legal representation at meetings
- 1.1.98 Legal Representation will not normally be approved for Centre level hearings.

Audio Recording

- 1.1.99 The audio recording of meetings and hearings held under this Procedure is prohibited, subject to such reasonable adjustment as may be agreed by the University where required to comply with the Equality Act 2010.
- 1.1.100 Where adjustments have been agreed, the student is asked to inform the Secretary in good time prior to the hearing to allow the University to ensure suitable facilities are available.

Burden and Standard of Proof

- 1.1.101 The burden is on the University to prove the allegation(s) of misconduct by the student. In deciding whether the student has committed the misconduct, the standard of proof to be used shall be 'the balance of probabilities', that is, on the evidence, the student is more likely than not to have committed the misconduct.

Data Protection

- 1.1.102 Where an allegation relates to possible criminal activity the University may share information with Gloucestershire Constabulary as set out in the relevant information sharing agreement.
- 1.1.103 Where appropriate, findings and sanctions imposed may be referred to in references which are requested for students, normally this would only be the most severe of cases, for example where the University imposed sanctions vi) to ix).
- 1.1.104 Where a third party, who is a member of the University (staff or student), has been involved in a case as an victim of the alleged incident, the University may, on request, provide information on whether the case is being considered, and the outcome of any disciplinary hearing. Where the third party is external to the University, the University would not normally provide information with regards to specific cases, but may exceptionally do so where the information could potentially impact on the wellbeing of the third party. A written record of all such instances, with grounds for disclosure, should be kept.
- 1.1.105 A student who is to be suspended under paragraph 5.3 or who will be subject to the sanction of suspension or expulsion under paragraphs 5.9 shall be reported to the Head of Student Experience (Admin) and to the General Manager of the Students' Union.

Implications for international students

1.1.106 A student studying on a Tier 4 visa who is to be suspended under paragraph 5.3 or who will be subject to the sanction of suspension or expulsion under paragraphs 5.9 shall be reported to Registry for further advice and guidance on the implications for their immigration status and leave to remain in the UK. Once this has been considered, and if the decision to suspend or expel is maintained, the Tier 4 Key Contact will report this, as appropriate, to the Home Office (UK Visas & Immigration).

External Review

1.1.107 If on receipt of a Completion of Procedures Letter the student is still dissatisfied the student may request a review from the Office of the Independent Adjudicator for Higher Education, see OIA webpage <http://www.oiahe.org.uk/>

Governance, Management, Advice and Support

1.1.108 The Head of Student Experience (Admin) is responsible for the Procedure and has responsibility for the implementation and communication of the Procedure.

1.1.109 The Head of Student Experience (Admin) is responsible for administration of the Procedure and general enquiries about the Procedure can be made to Tam Milner 01285 652206 or email tam.milner@rau.ac.uk

1.1.110 Individual independent advice to students is available from the Students' Union or email su@rausu.ac.uk, see RAUSU website <https://www.rau.ac.uk/university-life/social/student-union>.

Related Documentation

1.1.111 The following documents can be found on the University Policy & Procedure pages <https://www.rau.ac.uk/university-life/support-and-wellbeing/student-handbook>:

Academic Misconduct Procedure

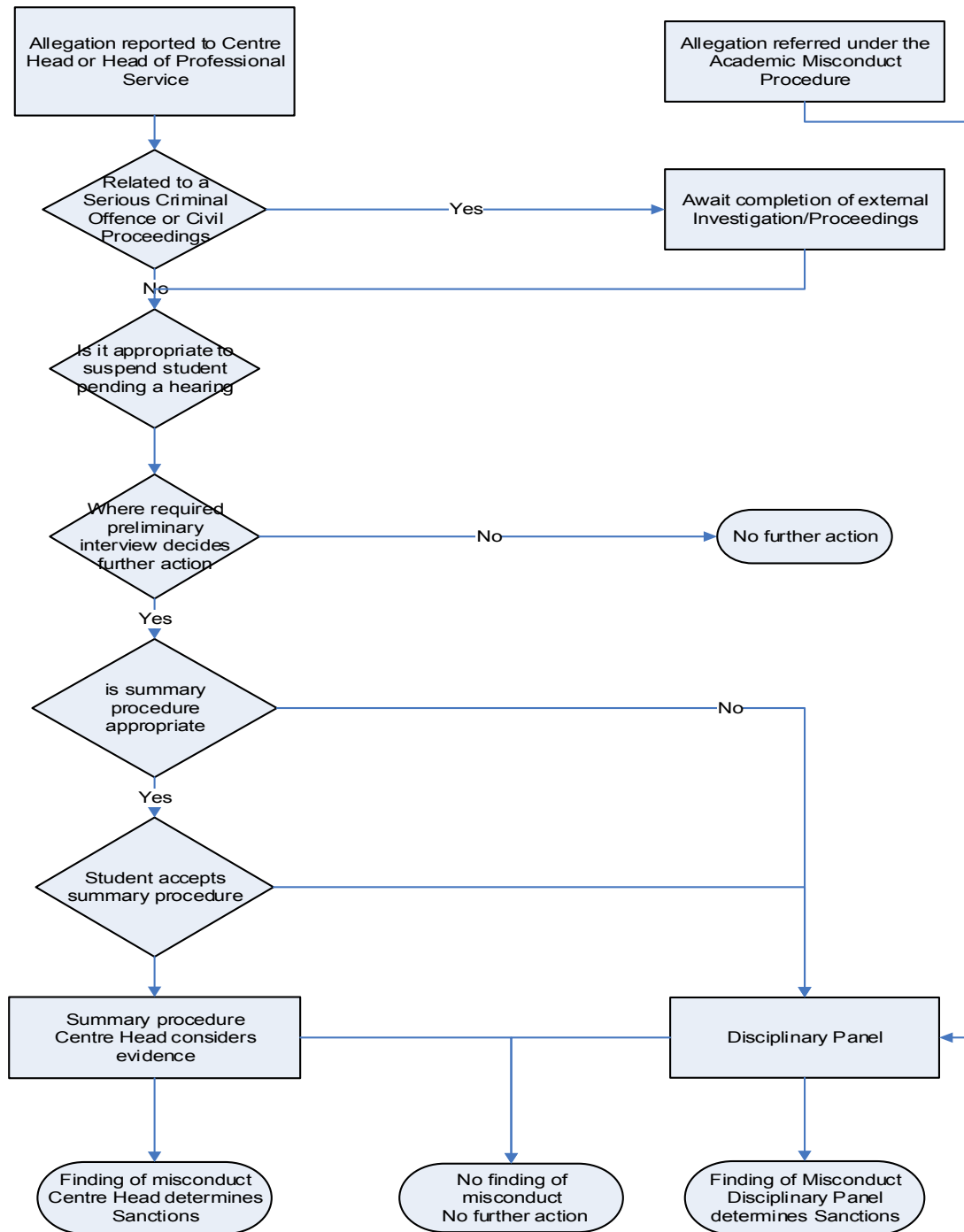
Fitness to Study Procedure

1.1.112 Supporting documentation is available from the Head of Student Experience (Admin) student facing procedures website <https://www.rau.ac.uk/university-life/support-and-wellbeing/student-handbook>

Appendices

- | | |
|--------------|--|
| Appendix A - | Flowchart for the Student Disciplinary Procedure. |
| Appendix B - | Student Disciplinary Procedure: Guidance Note on the application of sanctions, mitigation and aggravation. |
| Appendix C - | Examples of types of misconduct. |

Appendix A – Flowchart for the Student Disciplinary Procedure



Appendix B - Guidance Note on the application of sanctions, mitigation & aggravation

- B.1 This Guidance Note complements the Royal Agricultural University Student Disciplinary Procedure and offers advice on mitigation (factors which might make student misconduct less serious) and aggravation (factors which might make student misconduct more serious). The advice is to assist Centre Head, the Disciplinary Panel and the Disciplinary Appeal Panel when imposing sanctions under the Student Disciplinary Procedure. However each instance of student misconduct under the Student Disciplinary Procedure will be individual and Centre Head, the Disciplinary Panel and Disciplinary Appeal Panel will want to take the particular circumstances of the individual case into account when imposing a sanction or sanctions.
- B.2 In arriving at an appropriate sanction or sanctions the Centre Head, Disciplinary Panel and Disciplinary Appeal Panel will also want generally to take into account such factors as:
- Whether the student is remorseful and/or has made a voluntary offer of compensation/reparation at an early stage.
 - The extent of any harm caused and especially any physical injury to others.
 - The time and place of occurrence, and therefore the likely impact on others.
 - The degree of intentionality and/or recklessness displayed in the misconduct.
- B.3 Under the Student Disciplinary Procedure a student agreeing to have a matter dealt with summarily by the Centre Head should normally have any sanction, upon a decision that the student has committed an act of misconduct, duly reduced. Similarly under the Student Disciplinary Procedure a student admitting misconduct for an offence should normally have any sanction, except withdrawal of an award or expulsion, duly reduced.

Example of Misconduct	Level 1 –minor	Level 2 –major
i) any conduct which constitutes a criminal offence and may have an impact on the University and its activities;	- an offence which must only be dealt with at a Magistrates Court ¹ (summary only) or which may be dealt with either at a Magistrates Court or Crown Court (either way)	- an offence which must only be dealt with at the Crown Court (indictable)
ii) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;	- minor in nature and not widely viewed or reported	- major in nature and widely viewed or reported - impact on learning
iii) obstruction, frustration or disruption of the functions, duties or activities of any student or member of staff of the University, or any visitor to the University;	- minor disruption caused	- major disruption and impact on learning
iv) violent, indecent, disorderly, threatening, intimidating, defamatory, derogatory, offensive or otherwise inappropriate behaviour or language	- single incident - either inappropriate language or behaviour	- repeated despite requests to desist - sexist or racist languages used - vulnerable persons (e.g. children) present
v) sexual, racial or other harassment;	- single incident	- repeated, up to behaviour which becomes effectively a campaign -
vi) fraud, deception or dishonesty and especially the falsification or misuse of the University's name,	- unsophisticated, single incident	- repeated - sophisticated and planned

¹ See <https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/> & <https://www.gov.uk/courts/magistrates-courts>

Example of Misconduct	Level 1 –minor	Level 2 –major
logo or formal records including award certificates		<ul style="list-style-type: none"> - falsification of University formal records including award certificates
vii) repeated serious or aggravated academic offences, referred under the Academic Misconduct Procedure by the Centre Head for the imposition of appropriate sanctions (which for these offences only may include academic sanctions); Link to be inserted	<ul style="list-style-type: none"> - first offence of this type - early stage in programme of study - limited in scale such as a minor plagiarism in an on-programme assessment - limited understanding of academic good conduct 	<ul style="list-style-type: none"> - repeat offence on a later occasion - advanced stage in programme of study - other students in some way disrupted/ affected - academic reputation of University threatened - Most referrals under the Academic Misconduct Procedure will be 'Most Serious' Misconduct
viii) theft, misappropriation or misuse of University property including copyright and other intellectual property, or the property of the University's staff, students or visitors	<ul style="list-style-type: none"> - low value - property recovered - no health and safety risk caused 	<ul style="list-style-type: none"> - middle to high value - property partly or not recovered - health and safety risk caused - proven repeat offences - impact on learning
ix) misuse or unauthorised use of University premises and equipment, including the unauthorised possession of a key to University premises	<ul style="list-style-type: none"> - low value damage caused 	<ul style="list-style-type: none"> - health and safety risk caused - middle to high value damage caused - impact on learning
x) damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;	<ul style="list-style-type: none"> - low value damage caused 	<ul style="list-style-type: none"> - health and safety risk caused - middle to high value damage caused - proven repeat offences - impact on learning
xi) action likely to cause injury or impair safety on University premises, including misuse of safety equipment and infringement of safety requirements;	<ul style="list-style-type: none"> - low value damage caused - minor health and safety risk caused 	<ul style="list-style-type: none"> - health and safety risk caused - middle to high value damage caused - proven repeat offences - impact on learning
xii) failure to respect the rights of others to freedom of belief and freedom of speech; Please refer to full Code of Practice on Freedom of Speech on the following link:	<ul style="list-style-type: none"> - minor in nature and not widely viewed or reported 	<ul style="list-style-type: none"> - either major in nature and widely viewed or reported - impact on learning
xiii) breach of the provisions of any University rule, regulation, policy, procedure or code of practice including those for Library Services and IT Services, this includes any breach of the University's ITS Acceptable Use Policy;	<ul style="list-style-type: none"> - minor disruption caused 	<ul style="list-style-type: none"> - health and safety risk caused - major disruption to others - proven repeat offences - impact on learning
xiv) using or knowingly possessing within the University. Controlled drugs as defined in the Misuse of Drugs Act 1971 or any legislation modifying or replacing that Act	<ul style="list-style-type: none"> - use and/or possession 	<ul style="list-style-type: none"> - possession of quantity greater than that likely for personal use
xv) failure to disclose personal details to a member of staff of the University in circumstances in	<ul style="list-style-type: none"> - single incident 	<ul style="list-style-type: none"> - repeated - obstructed an investigation into misconduct - impact on learning

Example of Misconduct	Level 1 –minor	Level 2 –major
which it is reasonable to require that such information be given;		
xvi) failure to comply with any reasonable instruction(s) relating to discipline issues;	<ul style="list-style-type: none"> - minor disruption caused 	<ul style="list-style-type: none"> - health and safety risk caused - major disruption to others - impact on learning
xvii) making frivolous vexations and/or malicious allegations or complaints	<ul style="list-style-type: none"> - minor in nature and not widely impacting - single incident 	<ul style="list-style-type: none"> - either major in nature - repeated upto and including to the extent of a campaign - impact on learning
xviii) bribery	<ul style="list-style-type: none"> - minor in nature - single incident 	<ul style="list-style-type: none"> - major in nature - widely impacting - repeated - assessment related - impact on learning

Appendix C – Misconduct

Any student studying or registered at the University shall be subject to disciplinary measures if the student is found to have committed misconduct. The essence of misconduct under these regulations is:

- A that it obstructs, frustrates or disrupts the functioning or activities of the University, or of those who work or study at the University;
- B that it otherwise damages the University or its reputation, whether this takes place on campus or off campus. The University may, at its discretion, bring forward independent evidence, commissioned from sources other than the University, on the potential impact of allegations upon the University's reputation.

The following are indicative examples of what shall constitute misconduct, whether occurring on University premises or elsewhere including in the virtual environment such as social networking or other websites:

- i) any conduct which constitutes a criminal offence;
- ii) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;
- iii) obstruction, frustration or disruption of the functions, duties or activities of any student or member of staff of the University, or any visitor to the University;
- iv) violent, indecent, disorderly, threatening, intimidating, defamatory, derogatory, offensive or otherwise inappropriate behaviour or language;
- v) sexual, racial or other harassment;
- vi) fraud, deception or dishonesty and especially the falsification or misuse of the University's name, logo or formal records including award certificates;
- vii) repeated, serious or aggravated academic offences, referred under the Academic Misconduct Procedure (see related documentation);
- viii) aiding others to commit any act of academic misconduct, including
 - a. being party to impersonation where another person sits an examination or test in the place of the actual student or a student is knowingly impersonated by another;
 - b. provision, or assistance in the provision, of evidence or knowledge or understanding in examination or tests;
 - c. providing work, such as assignments, to external websites which could be used for academic misconduct.
- ix) theft, misappropriation or misuse of University property including copyright and other intellectual property, or the property of the University's staff, students or visitors;
- x) misuse or unauthorised use of University premises and equipment, including the unauthorised possession of a key to University premises;

Student Disciplinary Procedure 2017/18

- xi) damage to University property, or the property of the University's staff, students or visitors;
- xii) action likely to cause injury or impair safety on University premises, including misuse of safety equipment and infringement of safety requirements;
- xiii) failure to respect the rights of others to freedom of belief and freedom of speech; Please refer to the Freedom of Speech Policy (see related documentation)
- xiv) breach of the provisions of any University rule, regulation, policy, procedure or code of practice including those for the Library and IT Services, in particular this includes any breach of the University ITS Acceptable Use Policy (see related documentation);
- xv) using or knowingly possessing within the University, including on field trips, placements and other University activities not held on campus, controlled drugs as defined in the Misuse of Drugs Act 1971 or any legislation modifying or replacing that Act;
- xvi) failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;
- xvii) failure to comply with any reasonable instruction(s) relating to discipline issues;
- xviii) making frivolous, vexatious and/or malicious allegations or complaints;
- xix) offering or giving money, gifts or any other advantage to any employee of the University with the intention of inducing that employee to perform their job improperly or of rewarding that employee for performing their job improperly. (Bribery is a criminal offence and morally wrong and exposes the University and its employees to the risk of prosecution, fines and imprisonment as well as endangering the University's reputation);
- xx) failure to disclose a criminal conviction where required to do so.

Signed

Signed:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Date: September 2017.

Head of Student Experience
(Admin)