

## **Appendix 1: ALLEGED MISCONDUCT AND CRIMINAL OFFENCES**

- 1 Where a breach of discipline may also involve criminal proceedings, the disciplinary process will usually be suspended until the criminal process has concluded. Precautionary action may be taken where appropriate at this stage (see section Appendix 2).
- 2 The disciplinary process may be initiated following the end of the criminal process where a breach of internal discipline also appears to have occurred, even if there has not been a conviction.
- 3 When disciplinary action is taken following a related conviction, the conviction may be used as evidence of misconduct. In such cases, the Disciplinary Hearing will consider the legal penalty in determining the disciplinary penalty.
- 4 The University may act under the disciplinary procedure concurrently with a criminal procedure if the disciplinary case is based on different facts from the criminal case (for example where drug offences lead to persistent absence from scheduled activities).
- 5 The Proctor will report to the police suspected criminal offences against the University where this is considered proportionate and where there is judged to be little or no risk to the health, safety and wellbeing of the reporting student or other students.
- 6 Where the victim is not a member of the University but a visitor, the victim will be supported to report the matter to the police.
- 7 The University reserves the right to report suspected criminal offences to the police contrary to the wishes of the victim if there is an overwhelming need to protect others from harm or to prevent a further crime from taking place. When doing so, all possible steps will be taken to preserve the victim's wellbeing.
- 8 If a student who is the victim of an alleged criminal offence decides not to report the matter to the police, the reporting student will be entitled to make a complaint under the student complaints procedure. Such a complaint may result in the initiation of the student disciplinary procedure where the subject of the complaint is accused of misconduct.

## **Appendix 2: PRECAUTIONARY ACTION**

- 1 Action may be taken as a precautionary measure against an accused student where the safety of others is judged to be at risk or to prevent serious disruption to the university pending the completion of an investigation. In such cases, the Proctor may take precautionary action including:
  - Imposing conditions on the accused student (for example limiting contact with specific individuals, or moving the student to another class or group or any other conditions that may be required)
  - Suspending the accused student from study and from participating in University activities (Subject to approval from the Vice Chancellor)

- Prohibiting the accused student from entering specific sites or buildings, or from participating in specific projects or placements or any other activities as may be specified.
- 2      Precautionary measures will only be put in place when judged strictly necessary and do not indicate that the University has concluded that a breach of discipline or a criminal offence has occurred. A risk assessment will be conducted prior to the implementation of precautionary action and will be retained by the Proctor's office, with a record of the reasons for the suspension. The student will be entitled to make a written representation to the Vice Chancellor to appeal against this action and the Vice Chancellor's decision will be final.
- 3      Precautionary measures will be reviewed at regular intervals, to be determined at the point of action. The accused student may request a review earlier than the next scheduled review date if there is a material change in the circumstances of the case.
- 4      Failure to comply with a precautionary measure will result in an earlier review date, after which time more serious measures may be put in place.

**See also appendix 6**

### **Appendix 3: SUPPORTIVE ACTION**

- 1      Measures may be put in place if an incident is likely to have an adverse emotional or financial impact on the students involved or impair their performance in an assessment. This could include, for example;
  - Support through university financial aid schemes
  - Priority accessing to counselling service
  - Referral to specific external organisation for support and advice
  - Support with additional travel costs
  - Moving assessment dates
  - Remedial support for a suspended student to enable the continuation of studies
- 2      **Advice and support**

The University has an equal responsibility to students reporting incidents of misconduct and those accused of misconduct. Where appropriate and practicable and where precautionary action has not already been implemented (see appendix 3), steps will be taken to separate reporting students and accused students during criminal proceedings or the disciplinary process. Should academic or personal issues be uncovered during the disciplinary process, the student may be referred to the relevant member of staff for additional support.

Students reporting alleged breaches of discipline will be offered support from trained members of staff such as Student Advisers and, where appropriate, the counselling service.

Students may also be referred to external agencies where specific, specialist support is thought to be required. Where necessary and feasible, adjustments will be made to

the usual interview processes (e.g. provision of a female interviewer) at the request of the reporting student in order to safeguard his or her welfare.

#### **Appendix 4: PROCEDURE FOR STUDENT DISCIPLINARY HEARING (not involving harassment or bullying allegations)**

1. The student should have at least ten working days written notice of the date of the meeting.
  2. The Proctor's Office will send notification of a hearing by email or, if the student prefers, through another route.
  3. The letter of notification will include a list of the allegations and a copy of the Student Disciplinary Hearing procedures. The letter will remind the student that s/he is entitled to attend the meeting and may be accompanied to the hearing by a student or a member of staff of the University to speak on his/her behalf. (Formal legal representation is not permitted at any stage within the student disciplinary procedure on either side, for the student or the university). The letter will assure the student of a presumption of innocence unless or until the student is found guilty of the alleged breaches.
  4. Where the student has chosen to attend the hearing and is prevented from attending for substantial and demonstrable good reason, the Chair and the Secretary of the Panel may use discretion to rearrange the hearing. The absence of the student from the hearing does not invalidate the proceedings, where the panel has good reason to decide that the student has been given a fair opportunity to attend. The panel may consider whether the student gave reasonable notice of his/her inability to attend the hearing.
  5. The panel will have discretion to regulate the operation of the hearing, aiming for a fair, reasonable and timely investigation. The hearing will normally be conducted as follows:
    - The panel will ask questions of the student and any other individual called to present information and evidence.
    - The student and his/her friend, will answer questions for the panel;
    - The student and his/her friend will ask questions of any other individual called to present information and evidence.
    - The panel will deliberate in private.
    - The panel chair will advise the student(s) that the outcomes and decisions of the hearing will be forwarded in writing and the expected timescale for the notification.
    - The panel may set reasonable time limits for presentations.
  6. Documentary evidence may be presented at the discretion of the chair; such evidence must be submitted in advance of the meeting within a deadline set by the chair, with copies normally circulated to members of the panel and all parties at least five working days before the hearing. Evidence submitted beyond the deadline will only be admitted with the permission of the chair.
  7. The panel will normally only hear from the student concerned or his/her representative.
- The chair may, however, call for other papers, and, with the panel, examine witnesses and conduct whatever other investigations the panel may consider appropriate to ensure fair and thorough investigation of the case, bearing in mind the interests of all parties.

The Student Disciplinary Panel may postpone a decision to clarify evidence or allow further investigation.

9. The Disciplinary Panel may decide:

- To dismiss the case;
- To warn the student informally of the possible consequences of any further misconduct (with a record of the warning retained on file);
- To require the student to write a formal apology and an undertaking that the misconduct will not be repeated;
- To require the student to attend one or more guidance meetings or tutorials with an appropriate member of staff;
- To issue a formal, written reprimand to the student;
- To recommend to the Vice Chancellor the suspension of the student from his/her studies and or from all or part of the premises for a period **not exceeding one Academic Year** (as defined in appendix three);
- To recommend the expulsion of (**as defined in appendix six**) of the student from the University.

10. The panel may require the student to make good any loss or damage to the premises or to the property of any member of the University or to pay for any additional expense caused to the University as a result of the misconduct.

11. The panel will make decisions on the basis of a reasonable judgement on the balance of probability. The panel should attempt to agree a unanimous decision, but it may agree on an outcome on the basis of agreement from a majority of the members.

12. The Secretary to the Panel will inform the student in writing of the outcome, normally within seven working days of the hearing, or within ten working days in a case where a suspension or expulsion requires approval from the Vice-Chancellor. The written notice will be accompanied by a statement of the facts found by the Panel and the reasons for the decision and for any penalty. The letter will also inform the student of his/her rights and the procedures for appeal.

13. The records will remain on the student's file unless the case is dismissed

14. The following officers of the University should receive confidential notification of the outcome of a disciplinary hearing:

The Registrar

The Dean and the Head of Department of the student as relevant.

## **Appendix 5: PROCEDURE FOR APPEAL AGAINST THE DECISION OF A STUDENT DISCIPLINARY HEARING**

This procedure is for all types of disciplinary processes except academic misconduct procedure for appeal against the decision of a Student Disciplinary Panel.

1. Only the student who is subject to a decision of the Disciplinary Panel may make an appeal.
2. An appeal may not be presented by a member of staff or relative or a friend on a student's behalf, nor by more than one student acting together.
3. The appeal letter must include:

The student's name, student ID, department and contact details;  
The decision against which the appeal is made;  
The grounds for appeal. An appeal may be based only on:

- a challenge to the findings of fact
- a claim that the penalty was excessively severe in relation to the nature of the offence;
- a claim that the disciplinary procedure was not implemented properly; or
- significant new evidence, which was not available to the Student Disciplinary Panel.

The appeal should be supported by written evidence that the appellant may wish to present to the appeal panel.

4. The Registrar will receive the appeal and acknowledge receipt in writing.
5. The Registrar will review the case, ensuring that the case meets the criteria for an appeal and, if so, that it is referred to an appeal panel.
6. The Vice Chancellor will appoint the appeal panel and the Registrar will convene the panel, including:

Chair (drawn from the Syndicate)  
Two senior members of teaching or support staff  
Secretary (appointed by the Registrar)

No member of the panel should have had any previous involvement in the case nor any other conflict of interest (eg having taught the student at any stage). The Secretary will advise and support the panel and will not be a member of the panel for the purpose of making decisions).

7. The appeal panel will have discretion to regulate the operation of the hearing of the appeal, aiming for a fair, reasonable and timely investigation. The panel may consider only documentary evidence or may decide to meet witnesses, including the appellant.
8. The appellant will be entitled to bring a friend to any meeting with the appeal panel (defined as another student or a member of staff of the University; legal representation is not permitted at this stage)
9. The panel may recommend to the Vice Chancellor:

The upholding of the decision of the Student Disciplinary Hearing in full or in part  
the upholding the appeal, substituting another decision as it thinks fit within the prescribed list of options (listed in appendix four: item 9) or the dismissal of the case and the removal of any record of the case from the student's file

The panel should attempt to agree a unanimous decision, but it may agree on an outcome on the basis of agreement from a majority of the members.

The Vice Chancellor's decision on the recommendation will be final. The Syndicate will be informed of the outcomes of appeals cases and of all cases of expulsion.

The Secretary to the Panel will inform the student of the decision in writing, normally within ten working days of the hearing, with a copy to the Registrar, the Chair of the Disciplinary Panel, and the Dean of School/Chair of Department of the appellant. The letter will include a statement of the reasons for the decision and for any change to the penalty to be imposed. The letter will also inform the student that the internal procedures have been completed. The records will remain on the student's file unless the case is dismissed.

## **Appendix 6: SUSPENSION AND EXPULSION**

### **Expulsion**

- 1 Expulsion involves a total prohibition on attendance at or access to the university and on any participation in university activities including opportunities for assessment; but it may be subject to qualification, such as permission to attend for the purpose of examination. The expulsion may include prohibition of employment by the University.
- 2 The Vice Chancellor will decide whether to approve the recommendation of the Student Disciplinary Panel for the expulsion of a student once the appeal process has been exhausted.

### **Suspension**

- 1 Suspension involves selective restriction on attendance at or access to the University for a period as determined by the Student Disciplinary Panel.
- 2 The Vice-Chancellor will decide whether to approve the recommendation of the Student Disciplinary Hearing for the suspension of a student.
- 3 The Vice Chancellor may suspend a student with immediate effect, pending a disciplinary investigation as a precautionary measure and without prejudice to the outcome of a disciplinary process. Written reasons for the decision will be recorded and made available to the student. Any disciplinary hearing should be arranged as soon as possible following the suspension. (see also appendix 4)

## **Appendix 7: Confidentiality**

The University will take all reasonable steps to maintain the confidentiality of disciplinary proceedings, with information shared only with those strictly required to be informed of proceedings.

### **Mental Health disorders and health risks**

- 1 The chairs of the Preliminary Interview; the student Disciplinary Panel and the Appeals Panel each have discretion to adjourn proceedings for the preparation of medical reports, if they believe that a student may be suffering from a mental health disorder. They should also consider the possibility of any provision for support for the student.
- 2 Where a disciplinary or appeals panel decides that a student is in a state of mind or health that poses a threat to the welfare of students or staff or to the good order of the Institution, it may require the student to pass an occupational health assessment before consideration of the resumption of study.

- 3 The panel has discretion to terminate proceedings for a student suffering from mental illness or a mental disorder. The panel should also consider the possibility of any provision for support for the student.

### **Joint hearings**

In case two or more students are involved in a related case of alleged misconduct, the disciplinary panel may use discretion to deal with the cases through the same hearing.

### **Retention of records of disciplinary cases**

The records of disciplinary cases will be retained on a student's file for a period of six years following graduation. The records will be removed from the student's file in a case where the allegation is not upheld.