

# Student Disciplinary Procedure

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University of Chester

## **Student Disciplinary Procedure**

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# Student Disciplinary Procedure

## Contents

PART 1 – POLICY FRAMEWORK.....	4
SDP-I. Introduction .....	4
SDP-II. Guidance Notes.....	4
SDP-III. Student Code of Conduct and Definition of Misconduct .....	4
SDP-IV. Misconduct involving the (Mis)use of Alcohol and/or any other Substances.....	5
SDP-V. Misconduct against another Person.....	5
SDP-VI. Diversity and Equality .....	6
SDP-VII. Delegation by and Definition of Named Post Holders and Nominated Staff.....	6
SDP-VIII. Conduct of Interviews and Hearings .....	7
SDP-IX. Student Companions/Staff Colleagues at Interviews, Meetings and Hearings.....	7
SDP-X. Timeliness .....	8
SDP-XI. Interaction with Other Policies and Procedure .....	8
SDP-XII. Annual Monitoring.....	9
SDP-XIII. Confidentiality.....	9
PART 2 – PROCEDURE FOR DEALING WITH DISCIPLINARY MATTERS.....	10
SDP-XIV. Allegation and Investigation Phase .....	10
SDP-XV. Informal Phase .....	10
SDP-XVI. Formal Panel Phase.....	11
SDP-XVII. Review Phase .....	14
SDP-XVIII. Office of the Independent Adjudicator for Higher Education .....	16
SDP-XIX. Conduct which may also be a Criminal Offence .....	16
SDP-XX. Precautionary Suspension and Precautionary Exclusion Pending a Hearing .....	17

# **Student Disciplinary Procedure**

## **PART 1 – POLICY FRAMEWORK**

### **SDP-I. Introduction**

1. Under Article 3.2.7 of the University's Articles of Government, the Vice-Chancellor is responsible 'for the maintenance of student discipline and, within the rules and procedures provided for within these Articles, for suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.' Article 10.2 of the Articles of Government states that 'the University Council, after consultation with the Senate and representatives of the students, shall make rules with respect to the students, including procedures for suspension and expulsion.' The Student Disciplinary and Professional Suitability Procedures fulfil these articles.
2. The University may take disciplinary measures against any student studying or registered with the University, if they fail to abide by the Student Code of Conduct or are found guilty of misconduct, as defined below. The Dean of Students may also take any appropriate action to seek to address complaints about student conduct, including advising complainants to contact their local environmental health officer regarding noise or the police regarding criminal offences, or advising students how to resolve matters amicably with neighbours.

### **SDP-II. Guidance Notes**

3. Guidance Notes to accompany these procedures have been published. The Guidance Notes are designed to provide background, context and general guidance to the Professional Suitability and Student Disciplinary Procedures.
4. Much of the guidance is based upon findings, guidance and other relevant documents from relevant external agencies, including the Office of the Independent Adjudicator for Higher Education (OIA), Universities UK (UUK) and the Nursing and Midwifery Council (NMC). The notes are for guidance only, intended to assist Panel Members in their duties and to provide further explanation of both the Student Disciplinary (SDP) and Professional Suitability Procedures (PSP).

### **SDP-III. Student Code of Conduct and Definition of Misconduct**

5. A student renders themselves subject to disciplinary action on the grounds of misconduct if they fail to abide by the Student Code of Conduct or improperly interferes, in the broadest sense, with the proper functioning or activities of the University, or with the lives of those who work or study at the University, or undertakes any action which may otherwise damage the University, including:
  - 5.1. If it took place on University property, premises, or any other location, or if the student was involved in an activity associated with being a student of the University or was representing the University. This may include being present at any place by virtue of their University student status.
  - 5.2. In the case of a student registered on a programme leading to Professional qualification, if the conduct contravenes the Code of Practice for the relevant professional body, e.g. NMC, Health and Care Professions Council, Church of England, National College for Teaching and Leadership etc. Misconduct of this type shall be dealt with under the University Professional Suitability Procedure.

## **Student Disciplinary Procedure**

6. Examples of misconduct are included in the Guidance Notes. The examples listed are illustrative only and are neither comprehensive nor exhaustive. These examples may be added to or modified as necessary by the Vice-Chancellor.
7. The University shall take no account of misconduct prior to enrolling as a student, which has subsequently been revealed, or is still in the process of being dealt with by other authorities unless:
  - 7.1. the conduct is of such a serious kind and character, that it calls into question the fitness of the student to remain a member of the University, e.g. having regard to the safety of other students and staff;
  - 7.2. the conduct calls into question the fitness of the student to remain on a programme leading directly to a professional qualification, or to be admitted to and practice that profession; in which case the matter will be investigated under the University Professional Suitability Procedure; or
  - 7.3. the individual is included on the relevant Disclosure and Barring Service barring list.

### **SDP-IV. Misconduct involving the (Mis)use of Alcohol and/or any other Substances**

8. The University is committed to providing a safe and supportive learning environment, including seeking to address the risks posed by alcohol or substance (mis)use. Students who are under the influence of alcohol or any other substances including New Psychoactive Substances (NPS) are more likely to be involved in an offence either as a victim or perpetrator. The University maintains a policy on alcohol and drug (mis)use which is available on the University intranet.
9. Whilst the University regards a person's dependency on alcohol or other substances as a health matter, this is distinct from the presence or influence of alcohol or other substances in misconduct, which will be regarded as an aggravating factor in the determination of the allegation and subsequent sanction, and no allowance will be made for it.
10. Engaging in any form of misconduct whilst under the influence of, or involving, alcohol and/or substance (mis)use may be treated as serious misconduct.

### **SDP-V. Misconduct against another Person**

11. As stated above the University seeks to provide a safe environment based on mutual respect for the rights and dignity of all individuals. Accordingly, misconduct against another person (including that made electronically or online etc.), whether verbal or physical, including acts of violence, will not be tolerated.
12. Recognising particularly the impact that any form of sexual misconduct, violence or assault (including that made electronically or online etc.) may have upon those directly involved and on the University community, the University is committed to elimination and prevention of such behaviour.
13. Engaging in any form of sexual misconduct, violence or assault (including that made electronically or online etc.), should not normally receive a sanction at the Informal Phase other than to be referred to a Formal Panel.
14. Moreover, any person who engages in any form of sexual misconduct, violence or assault (including that made electronically or online etc.) will be liable to precautionary

## Student Disciplinary Procedure

suspension and to the most severe sanction as detailed in the Formal Panel Phase if the allegations are upheld after consideration under the Formal Panel Phase.

### SDP-VI. Diversity and Equality

15. The University will comply with its obligations under the Equality Act 2010 to avoid discrimination because of any of the following:

- age
- disability
- gender reassignment
- marriage & civil partnership
- pregnancy & maternity
- race
- religion or belief
- sex
- sexual orientation

16. Under the Equality Act 2010, less favourable treatment of a disabled person may be justified if it is necessary in order to maintain one or more competence standards, i.e. an academic, medical or other standard applied by or on behalf of the University for the purpose of determining whether or not a person has a particular level of competence or ability. The University will keep its competence standards under review with a view to ensuring that they remain justifiable as competence standards and are both material to the circumstances of the case and substantial.

### SDP-VII. Delegation by and Definition of Named Post Holders and Nominated Staff

#### ***Post-Holders***

17. The Vice-Chancellor, Deputy-Vice-Chancellor, Pro-Vice-Chancellor or other named post holders, including the Dean of Students, may delegate powers and responsibilities, as identified under these Rules and Procedures, to a designated alternate (Nominee) either generally or in respect of a particular case or in relation to any area of their responsibility under this Procedure unless otherwise stated.

17.1. Further to the above throughout these Rules and Procedures the expression “Vice-Chancellor” may be interpreted as meaning the Vice-Chancellor of the University, Deputy-Vice-Chancellor of the University, a Pro-Vice-Chancellor of the University or their nominee; unless otherwise stated.

#### ***Nominated Staff***

18. For the purposes of the Formal Panel Phase and Review Phase the term *nominated staff* shall be regarded as including any of the following University staff:

- An Executive Dean or Dean
- An Executive Director or Director
- A Vice Dean, Associate Dean or Deputy Dean
- A Vice Director, Associate Director or Deputy Director
- A Deputy Provost
- A Head of Department
- A member of staff equivalent or senior to any of the above.

19. The Dean of Students and senior staff from the same Faculty/Department as an individual student against whom an allegation has been made are excluded from Chairing the relevant Panel.

# **Student Disciplinary Procedure**

## **SDP-VIII. Conduct of Interviews and Hearings**

20. All interviews and hearings under this Policy will be conducted fairly and impartially by the Interviewer and/or Chair of the hearing.
21. The Interviewer or Chair of the hearing will normally conduct the hearing according to the suggested format specified in the Guidance Notes.
22. The Interviewer or the Chair of the hearing may exclude from the proceedings any person (including the student or the student's Companion) who behaves unreasonably or who disregards any reasonable instructions given with regard to the interview or hearing.

## **SDP-IX. Student Companions/Staff Colleagues at Interviews, Meetings and Hearings**

### ***Student Companions***

23. Any student who has been requested to attend for either an interview and/or at a hearing, may be accompanied by one 'Companion' who shall be a fellow student, Students' Union representative or member of staff at the University but may not be a fellow student who has had prior involvement in the case or is likely to be or has been interviewed as part of either the Dean of Students' preliminary investigation or any hearings held under the Formal or Review phase.
  - 23.1. Except in cases where a reasonable adjustment under the Equality Act is required, family members, partners or representatives from any other body will not be permitted to act as a Companion.
  - 23.2. An individual student's Companion will not be permitted to answer questions on behalf of the student.
24. The name and status of the Companion should be notified to the Dean of Students in advance of any interview and no later than two days before the date of any hearing held under the formal or review phase.

### ***Staff Colleagues***

25. Except in the case of a student, any other person, including university staff or external persons, who have been requested to attend for an interview, meeting and/or a hearing by the Dean of Students, may be accompanied by one 'Colleague' as they believe necessary.
  - 25.1. A Colleague would normally be a workplace colleague or similar but may not be an individual who has had any prior involvement in the case or is likely to be or has been interviewed as part of either the Dean of Students' preliminary investigation or any hearings held under the Formal or Review phase.
  - 25.2. A Colleague is support for a witness and may not answer any questions on behalf of the witness or provide any input into the relevant meeting or hearing.
26. The name and status of the Colleague should be notified to the Dean of Students in advance of any interview and no later than two days before the date of any hearing held under the formal or review phase.

## **Student Disciplinary Procedure**

### **SDP-X. Timeliness**

27. The University will endeavour to conclude the Formal Panel Phase, following the preliminary investigation and decision to refer the matter to a formal panel, within ninety (90) calendar days.
  - 27.1. Notwithstanding the above, it may be necessary for the University to alter or extend any timescale or deadline detailed in the procedure. Where this is the case either the Dean of Students, the Invoking Officer or Chair of the relevant panel will, on behalf of the University, inform and explain the circumstances requiring the alteration to the student concerned.
  - 27.2. Where cases may involve third parties and it is necessary for the University to either obtain information from or to await an action by the third party, the University may need to await the completion of such action before either proceeding or continuing with the procedure. Delay in conclusion of the procedure may follow as a result.
28. The University will consider any reasonable request to alter the relevant timescale or extend a relevant deadline as necessary made, in good faith, by an individual student against whom an allegation has been made which is needed due to factors beyond their control.
29. The University reserves the right not to comply with any request made by an individual student (or their Companion) to alter or amend any aspect of the procedure (including timescales or deadlines) unless the Dean of Students, the Invoking Officer or Chair of the relevant panel reasonably considers it necessary to do so. The University may suspend any stage of the operation of this procedure where the Dean of Students, the Invoking Officer or the Chair of the relevant panel reasonably believes that matters raised by an individual may have an impact upon or affect the hearing or have a significant bearing on the outcome of the hearing until the matters raised have been satisfactorily investigated under the relevant University procedure and the relevant procedure exhausted as necessary.
30. Where the Dean of Students, the Invoking Officer or Chair of the relevant panel reasonably considers that any request made by a student (or their Companion) to alter or amend any aspect of the procedure (including timescales or deadlines) or to seek a suspension of the operation of the procedure is vexatious, frivolous or intended to frustrate any aspect of the procedure including the investigation, panel hearing or any other function of the University, the request shall be refused and noted for consideration as an aggravating factor by the relevant panel at the hearing.

### **SDP-XI. Interaction with Other Policies and Procedure**

31. Action which has been or may be taken under any other relevant university procedure and which has resulted or may result in a student being referred, investigated, precautionarily suspended or excluded, will not preclude further action under this procedure but may form part of the Referral and Investigation Phase of this procedure.
  - 31.1. For example, necessary and expedient action may be taken under the Student Mental Health Policy or Fitness to Study procedures to precautionarily suspend a student until such time as a Formal Student Disciplinary panel may be arranged and held.



# **Student Disciplinary Procedure**

## **SDP-XII. Annual Monitoring**

32. An annual report detailing case load will be submitted by the Dean of Students to the University Secretary, for submission to the Senior Management Team, no later than 31st December following the academic year ended on the preceding 31st July.
- 32.1. The anonymised report shall detail data relating to Equality monitoring linked to such other matters including, but not limited to, the number of cases according to the following:
- the type of misconduct
  - the location/campus on which the misconduct took place
  - the number of each sanction or measure imposed
  - the phase at which the case was concluded
  - any other material matters.

## **SDP-XIII. Confidentiality**

33. Individuals' confidentiality will be maintained as far as is reasonably practicable. Any records should be confidential and be kept in accordance with the requirements of the Disciplinary Procedure, General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
34. Any student(s) who is subject to an allegation/referral may receive copies of any meeting records upon request, although, in certain circumstances information may be withheld, for example to protect a witness, or where otherwise personal data relating to a third party would be disclosed.
35. All letters and correspondence in relation to any student procedure will be handled and stored in accordance with the Data Protection Act 2018 by those involved in the procedure.
36. Subject to the requirements of confidentiality, the University will maintain and report appropriate statistics on the use of this procedure in order to ensure its effectiveness and incidence in relation to particular equality groups.

## **Student Disciplinary Procedure**

### **PART 2 – PROCEDURE FOR DEALING WITH DISCIPLINARY MATTERS**

#### **SDP-XIV. Allegation and Investigation Phase**

37. Allegations, referrals or complaints regarding student misconduct may be brought to the University's attention by any member of staff or student(s) of the University. In addition, allegations or complaints may be made by bodies or individuals external to the University. All such allegations or complaints should be brought to the attention of the Dean of Students.
38. On receipt of an allegation or complaint of student misconduct, the Dean of Students should not form any immediate judgement but should instigate a preliminary investigation.
39. The preliminary investigation will normally involve the Dean of Students conducting an interview with the complainant, and any other person who can provide material facts, in order to determine the next course of action.
  - 39.1. An individual whom the Dean of Students determines should be interviewed or called to a meeting as part of the preliminary investigation will be entitled to be accompanied by a relevant Companion or Colleague, as defined above, at the interview or meeting.
40. Once the detailed nature of the allegation or complaint has been determined, the Dean of Students may attempt to resolve the issue by informal means, if possible and appropriate.
41. The Dean of Students may rule that the allegation or complaint does not fall within the definitions of misconduct, in which case, it should not be the subject of further action under these rules and procedures. However, this does not preclude further action being instigated under a different procedure, where appropriate.

#### **SDP-XV. Informal Phase**

42. If, following the preliminary disciplinary investigation, a student is found to be guilty of, or admits, misconduct or anti-social behaviour the Dean of Students may impose one or more of the following:
  - a. A warning and/or advice about future conduct which may include entering into a behavioural contract and/ or participation in 'restorative justice' and/or an undertaking as to their future conduct; and/or
  - b. A fine of up to £750; and/or
  - c. A requirement that the student pay for any damage to property they may have caused, or recompense the University, fellow student or third party for any loss it may have suffered.
  - d. If none of the above is appropriate the issue may be referred to a Formal Discipline Panel.
43. The sanctions above in the Informal Phase may be used for less serious or 'general' breaches of the disciplinary rules and code of conduct where referral to the Formal Panel Phase is deemed inappropriate.

## **Student Disciplinary Procedure**

- 43.1. However, where a breach may reasonably be regarded as a 'serious' breach or is any form of 'Misconduct against other Persons' or misconduct involving the (mis)use of alcohol and/or any other substances, a referral to the Formal Panel Phase should normally be made.
44. The outcome, including the sanction and the reasons for imposing the sanction under the informal phase, will be confirmed to the student's University email address.
45. Students who fail to undertake any imposed sanctions or who wish to request a Review against the imposition of the sanctions, as outlined above, will be referred to the Formal Panel Phase of the disciplinary procedure and a decision (which may be more serious than that given at the informal Panel Phase) at that phase will be final.
  - 45.1. Where a student wishes to request a Review against the imposition of sanctions at this phase, the student must request the review in writing to the Dean of Students within five (5) working days of being informed of imposed sanctions by the Dean of Students.
  - 45.2. Upon receipt of such a request the Dean of Students will confirm receipt of the request in writing and proceed to the Formal Panel Phase of the procedure.

### **SDP-XVI. Formal Panel Phase**

46. If, following preliminary investigation by the Dean of Students the allegation or complaint of student misconduct cannot be resolved by informal means or it is deemed inappropriate to be dealt with by informal means, the Dean of Students may nominate an Invoking Officer and refer the matter to be dealt with under the Formal Panel Phase.

#### ***Membership of the Panel***

47. Under the Formal Panel Phase, the allegation or complaint will be considered by a Formal Disciplinary Panel consisting of a minimum of three persons, namely:
  - the Chair, selected from the list of *nominated staff*, as defined above (excluding the Dean of Students and senior staff from the same Faculty/Department as the student concerned);
  - one member of the University staff, who in the case of 'Academic Staff', must not be from the same department(s) of study but may be from the same Faculty as the student subject to these procedures; and
  - one member of the student body, or a designated officer of the student body.

#### ***Membership of the Panel – Victim of Misconduct***

- 47.1. If the alleged misconduct is considered by the Dean of Students to involve another student as a victim of the misconduct, the following restrictions regarding the membership of the panel will apply in addition to those specified above:
  - 47.1.i The Chair may not be from the same Faculty as the victim; and
  - 47.1.ii The member of the University Staff may not be from the same programme or department(s) of study as the victim.

#### ***Membership of the Panel – General Provisions***

- 47.2. No person who has been involved in the preliminary investigation concerning the alleged misconduct may be a member of the Disciplinary Panel.

## **Student Disciplinary Procedure**

- 47.3. The Invoking Officer shall not be considered a member of the Panel.
- 47.4. The name and status of each member of the Panel shall be recorded in the notes of the hearing.

### ***Conduct of Panel Hearing***

- 48. The Chair of the Formal Disciplinary Panel will normally conduct the hearing according to the suggested format as specified in the Guidance Notes. The Dean of Students will ensure that all the necessary administrative arrangements are made. The disciplinary hearing shall be completed as expeditiously as possible.
- 48.1. The Invoking Officer shall not be present prior to the commencement of the hearing, during any initial private meeting of the Panel and during any deliberations of the Panel, except where the Panel seek clarification of matters of fact in which case all parties shall be present.

### ***Student Entitlements***

- 49. A student against whom an allegation or complaint has been made shall be entitled to:
  - 49.1.i be made fully aware of these procedures and of the substance of the allegations;
  - 49.1.ii be provided, at least five (5) working days before any hearing, with a copy of the written evidence to be presented to the hearing;
  - 49.1.iii to submit written evidence to the Disciplinary Panel, normally at least two (2) working days before the hearing;
  - 49.1.iv be present throughout the hearing and to see and hear all the evidence;
  - 49.1.v call witnesses to give evidence on their behalf at the hearing and, (subject to the conditions in the '***Special Arrangements***') to question any other witnesses reasonably and through the Chair of the Panel; and
  - 49.1.vi be accompanied or assisted at the hearing by a Companion as defined above.
- 50. If the student does not appear at the date and time scheduled for the hearing the Disciplinary Panel may consider the validity of any reasons advanced for non-attendance and:
  - 50.1.i if members so decide, adjourn the hearing to a later date and/or time; or
  - 50.1.ii if no, or no valid, reason is advanced for non-attendance, proceed in the student's absence, regarding them (subject to any written account or representations) as having admitted none of the circumstances of the allegations.
- 51. If the student's behaviour has previously been the subject of the Student Disciplinary Procedures and was found to constitute misconduct, either at the informal or Formal Panel Phases, the Chair of the Disciplinary Panel will be supplied with the relevant information, in a sealed envelope. This envelope will not be opened, nor will any of the information contained in the envelope be disclosed to any member of the Panel, until the members of the Panel have considered the evidence before them and reached a decision. If the case is upheld, the members of the Disciplinary Panel may then have access to the information

## **Student Disciplinary Procedure**

in the sealed envelope which may be taken into account in determining what appropriate outcome should be implemented.

- 51.1. The Invoking Officer and witnesses should not make reference to previous allegations or findings of misconduct during the Panel hearing; any references to previous allegations or findings should be removed, so far as practicable, from evidence including transcripts of interviews.

### ***Special Arrangements***

52. The Dean of Students and/or the nominated Chair may take such steps as are reasonable to mitigate any distress which they consider that any aspect of the panel hearing may cause to any person involved, including witnesses.
  - 52.1. Reasonable steps may include, but are not limited to, the provision of dividing screens, questions being submitted in writing either prior to or at the hearing, or the use of video link.

### ***Determination of the Panel***

53. The Panel may either dismiss the case, or uphold the allegation. If the allegation is upheld, the Panel may decide that no further action is necessary; or, following consideration of the Guidance Notes, that one or more of the following sanctions be imposed. The following list is not exhaustive:
  - a. Expulsion of the student who shall not be entitled to apply or enrol for any other University of Chester Programme
  - b. Formal suspension of studies and from attendance at the University for a specified period not exceeding one academic year.
  - c. Exclusion of the student by selective restriction to certain parts of the University for a specified period.
  - d. Restriction on the holding of any office or committee membership in the University, the exact details to be specified.
  - e. A recommendation to the Vice-Chancellor or Domestic Bursar to terminate the student's accommodation contract.
  - f. A warning and/or advice about future conduct which may include an aspect of a behavioural contract and/ or 'restorative justice'.
  - g. The imposition of a fine up to a maximum of £1500, this figure to reflect the seriousness of the allegations.
  - h. Any other penalty deemed appropriate by the Panel.
  - i. That no further action is necessary.
- 53.2. Any person who engages in any form of violence, assault, misconduct or sexual misconduct against another person or is found guilty of a criminal offence will be liable to the most severe sanction of expulsion if the allegations are upheld by the Panel. These sanctions may also be appropriate to other misconduct.
54. The Panel being cognisant of the Guidance Notes, will communicate its decision in writing within ten (10) working days of the Hearing, detailing the outcome including reasons for the Panel's decision and for the sanction imposed.

## **Student Disciplinary Procedure**

### ***Issuing a Completion of Procedures Letter – Formal Phase***

55. Where a student does not exercise their right to request a review, in effect timing out the procedure, the matter will be considered completed with no further recourse through the University procedure by the student(s). Where the procedure is completed in this manner a Completion of Procedures Letter will not normally be sent to the student(s) unless requested.
- 55.1. Where a student so requests, a Completion of Procedure Letter will be issued by the Dean of Students, and it will indicate that the student was out of time under the procedure.

### **SDP-XVII. Review Phase**

#### ***Grounds for Requesting a Review***

56. A student may request a review against the decision of the Panel. A review shall not take the form of a re-hearing of the case and may only be made on one or more of the grounds listed below.
- 56.1. The emergence of significant additional evidence not available at the time of the panel hearing which could reasonably have affected the Panel's decision if disclosed at the panel hearing, including
- 56.1.i That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
- 56.2. The emergence of evidence to show that there has been maladministration in the conduct of the proceedings, including
- 56.2.i That the procedures were not followed properly;
- 56.2.ii That there is bias or a reasonable perception of bias during the procedure;
- 56.2.iii That the decision maker(s) reached an unreasonable decision.
- 56.3. The emergence of evidence which demonstrates that the measures implemented are too severe, or disproportionate or not permitted under the procedures.
57. The student must give notice of intention to request a review in writing to the Dean of Students within ten (10) working days of being informed of the decision of the Panel, stating clearly which of the above grounds will form the basis for the Review.
58. Within a further five (5) working days a written statement of the grounds upon which a Review is sought must be submitted to the Dean of Students, setting out a full response to the Panel's decision, together with all additional evidence relied upon to establish the grounds for Review.
- 58.1. A request for a review or the presentation of further documents and evidence, received after this time with cause shown for its late submission, may in exceptional circumstances be granted at the discretion of the Chair of the Disciplinary Review Committee.
59. Any student who has failed to avail themselves of the opportunity of attending a Formal Discipline Panel hearing may be entitled to review, only by special permission of the Chair of the Disciplinary Review Committee.

## **Student Disciplinary Procedure**

60. The Dean of Students will nominate a Chair of the Review Committee who shall be an individual selected from the list of '**Nominated Staff**', or a Provost, a Pro-Vice-Chancellor or the Deputy Vice-Chancellor.

### ***Initial Consideration of Grounds***

61. The nominated Chair of the Review Committee will, based upon the documents received, consider whether or not the student has identified possible grounds for a Review and, if possible grounds for a Review have been identified, that a Review Committee should further consider the case.
- 61.1. The sole arbiter of the validity of grounds for Review is the nominated Chair of the Review Committee; who may not delegate this responsibility.
- 61.2. The Review Committee shall be constructed as, but shall be no larger than a, Hearing Panel as detailed in '**Membership of the Panel**'.

### ***Review Committee Meeting***

62. The Review Committee will meet as soon as practicably possible and normally within thirty (30) working days following receipt of the full submission from the student.
63. The Review Committee may seek to deal with the case on the basis of documentary evidence and may, at its discretion, call a meeting to which the student is invited to attend to present their Review in person. If the student is invited to attend in person, they may be accompanied by a Companion as defined above. The name of the companion must be notified in advance to the Chair of the Review Committee no later than two days before the date of the meeting.
- 63.1. Where a student who has been invited to present their review in person does not appear at the date and time scheduled for the hearing the Review Committee will proceed to deal with case on the basis of documentary evidence.
64. The Review Committee may invite to attend and question any person who in the reasonable opinion of the Chair of the Review Committee may be able to assist.
65. The Review Committee may:
- 65.1. find that the grounds for a Review have not been established and that the original decision of the Disciplinary Panel should stand; or
- 65.2. find that the grounds for a Review have been established, in which case the Review Committee will proceed to review the case.
66. If the Review Committee finds that the grounds for a Review have been established and proceeds to review the case, the outcomes of the Review may be to confirm, quash or vary the original findings of the Disciplinary Panel and/or any penalty imposed by the Disciplinary Panel. The Committee may also implement any sanction detailed in the Informal or Formal Phase should the Committee believe it to be necessary.
67. The outcome of the Review shall be final and there shall be no further opportunity to make representations to the University Council.

### ***Issuing a Completion of Procedures Letter – Review Phase***

68. The Committee being cognisant of the Guidance Notes, will communicate its decision in writing within ten (10) working days of the Committee Meeting, in the form of a

## Student Disciplinary Procedure

Completion of Procedures Letter detailing the outcome including reasons for the Committee's decision.

### SDP-XVIII. Office of the Independent Adjudicator for Higher Education

69. At the point where the Student Disciplinary procedure has been exhausted, a Completion of Procedures letter will be issued in line with guidance published by the Office of the Independent Adjudicator for Higher Education (OIA). This affords a student the right to take the case to the OIA. If the student wishes to take their complaint to the OIA, they must send an OIA Complaint Form within twelve months of the date of the Completion of Procedures letter. An OIA Complaint Form can be downloaded from the OIA website [www.oiahe.org.uk](http://www.oiahe.org.uk).
70. Where a student has failed to comply with the University's time limits for review, the student has in effect exhausted the internal procedure and no further recourse is available to the student(s). However, in these circumstances there is no need to issue a Completion of Procedures Letter automatically; as the student would be able to by-pass the final phase of the University procedure and go directly to the Adjudicator.
71. However, if a student so requests, a Completion of Procedures Letter will be issued by the Dean of Students, which will indicate that the individual student was out of time under the procedure and therefore excluded from submitting a review.

### SDP-XIX. Conduct which may also be a Criminal Offence

72. There are occasions when behaviour on the part of a student is not only misconduct under the University's Disciplinary Rules, but may also constitute a criminal offence. Particular care will be taken to ensure that no comments are made to the media on any case that may be the subject of criminal prosecution.
73. The following procedures apply where the alleged misconduct may also constitute a criminal offence:
74. If an allegation of misconduct has been reported to the police, the Vice-Chancellor may decide that no action (other than **Precautionary Suspension and Precautionary Exclusion Pending** a Hearing) should be taken under these procedures until a prosecution has been completed or a decision not to prosecute has been taken.
75. If a decision not to prosecute is subsequently taken, the Vice-Chancellor shall decide whether disciplinary action should continue or be initiated under the University Disciplinary Rules and Procedures.
76. If a decision to prosecute is taken and a conviction results, the court's penalty may be taken into consideration in determining any penalty under these Rules and Procedures.
77. If a decision to prosecute is taken and an acquittal results, the Vice-Chancellor may decide whether disciplinary action should continue or be taken under the University disciplinary rules and procedures.
78. The University has a statutory duty to refer any person who has engaged in relevant conduct and a duty to provide information to the Disclosure and Barring Service upon request. The University must refer information to the Disclosure and Barring Service when they have dismissed an individual, or an individual resigns, because they harmed, or may harm, a child or vulnerable adult; including the possession of pornographic images of



## **Student Disciplinary Procedure**

children and vulnerable adults, or in the opinion of the University the misconduct may lead the DBS to consider it appropriate to bar the individual. Moreover, any form of misconduct that may be regarded as specified behaviour under the Safeguarding Vulnerable Groups Act that leads to consideration for inclusion on one or both of the barred lists will lead to the individual being referred to the Disclosure and Barring Service for consideration.

### **SDP-XX. Precautionary Suspension and Precautionary Exclusion Pending a Hearing**

79. Suspension, or exclusion pending a hearing must not be used or regarded as a penalty.
- 79.1. The use of the power to suspend, or exclude, under this provision is to protect the members of the University community in general, or a particular member, or members, and the power shall be used only where the Vice-Chancellor is of the opinion that it is urgent and necessary to take such action.
- 79.2. The provision may also be used to protect the individual student (s) who is the subject of a complaint or allegation of misconduct.
80. A student who is the subject of a complaint or allegation of misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation may be suspended, or excluded by the Vice-Chancellor or Deputy-Vice-Chancellor pending the disciplinary hearing or the outcome of police investigation.
81. When the Vice-Chancellor has delegated power to a nominee (other than the Deputy-Vice-Chancellor) a full report shall be made to the Vice-Chancellor of any suspension or exclusion by the nominee.
82. Suspension may be a total prohibition of attendance at, and access to, University premises, and of participation in University activities or subject to such conditions as the Vice-Chancellor may impose.
83. Exclusion involves selective restriction on attendance at, or access to, the University premises or prohibition of exercising the functions, or duties, of any office or committee membership in the University, or the Students' Union, the exact details to be specified in writing.
84. Suspension should be used only where there are good grounds for deeming exclusion to be inadequate.
85. An order of suspension, or exclusion, may include a requirement that the student should have no contact of any kind with a named person, or persons.
86. Students subject to a suspension or exclusion will be informed of the decision and the reasons for the decision in writing within five (5) working days of the suspension or exclusion taking place.

#### ***Exclusion or Suspension during Field Visits***

87. The Vice Chancellor's power of exclusion shall extend to fieldwork or field course or other organised activity away from University premises and the leader of such organised activity shall have the delegated authority to exclude any student or students. Such an exclusion decision may be in respect of a particular activity or associated residential accommodation, notwithstanding the exclusion necessitates the student leaving the course.

## **Student Disciplinary Procedure**

### ***Representation to the VC***

88. Save in respect of a suspension or exclusion from or during an organised activity away from the University no student would normally be suspended or excluded unless they have been offered an opportunity to make representations in person to the Vice-Chancellor.

88.1. In cases of great urgency, the Vice-Chancellor may suspend a student with immediate effect.

88.2. In respect of organised activities away from University premises, representations in person to the Vice-Chancellor shall be made as soon as practicable following return to the University.

### ***Review of Suspension and Exclusion***

89. A decision to suspend, or exclude, from academic activities associated with the student's course of study (other than access to the Library), shall be subject to review, where new information becomes available, or at the request of the student and normally every four weeks. The Office of the Dean of Students on behalf of the Vice-Chancellor shall conduct the review which will not involve a hearing or submissions made in person, but the student shall be entitled to submit written representations.

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