

STUDENT CONDUCT REGULATIONS 2018/2019

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1. **Introduction**

1.1 The Student Conduct Regulations should be read in conjunction with the Student Code of Conduct, which details expectations of behaviour.

* 1. The University’s regulations for student conduct apply to:
* Students of the University of South Wales, including those at the Dubai Campus. This means every enrolled student of the University or a holder of a sabbatical office in the University’s Students’ Union but not students who are enrolled with collaborative partners (where the collaborative partners’ disciplinary procedures will apply) or students who are also members of staff of the University (where the staff disciplinary procedures will apply).
* Students studying on work placements or engaged in work-based learning.
* Students on an approved leave of absence.
	1. Student conduct matters for students enrolled on a course leading to professional registration and/or a license to practise in a professional context will be dealt with under the University’s Fitness to Practise Regulations.

**2. Student Conduct: General Requirements**

2.1 Students must observe all University regulations and policies which govern the effective organisation and management of specific areas of activity within the University, (including those relating to financial requirements, health and safety, the use of learning, computing, child care, refreshment, sport and recreational facilities) or which are specifically included as part of the student’s programme of study (including any professional code of practice incorporated therein). There are also separate regulations, the Student Charter and the Students’ Union Standing Orders, pertaining to student usage of Students' Union facilities.

2.2 The University has a duty under the Counter-Terrorism and Security Act 2015 to prevent students from being drawn into non-violent extremism, violent extremism and/or terrorism and to ensure they are being given appropriate advice and support. If a member of staff or a student has reasonable grounds for concern that a student is being drawn into, or is drawing others into, activities which may lead to acts of non-violent extremism, violent extremism and/or terrorism they should raise the matter with the designated associate head of school (or equivalent) in the first instance. (See the University’s Prevent Protocol).

**3. Advice and Support**

The University is committed to safeguarding the emotional, mental and physical well-being of all parties involved during the operation of its Student Conduct Regulations.

***3.1 Advice and Support for Students***

3.1.1 It is recognised that bringing an allegation of misconduct or being the subject of an allegation of misconduct can have an adverse impact on the welfare of students. Advice and support is available from:

The University’s Wellbeing Services - <http://thewellbeingservice.southwales.ac.uk/>

The Chaplaincy - <http://chaplaincy.southwales.ac.uk/>

The Students’ Union - <http://su.southwales.ac.uk/>

3.1.2 The Student Casework Unit provides authoritative, formal guidance on the applicability and operation of the Fitness to Practise Regulations.

***3.2 Advice and Support for Staff***

3.2.1 It is recognised that dealing with student conduct matters can cause pressure for staff. The Chaplaincy has considerable experience of dealing with sensitive matters and is available to offer formal and informal confidential advice and support.

**4. Definition of Misconduct**

4.1 An act will be regarded as misconduct, and therefore the subject of disciplinary action:

* if it constitutes or is likely to constitute improper interference with the proper functioning and activities of the University, or of those who work or study in the University, or
* if it damages or is likely to damage the reputation of the University.

4.2 These regulations apply to alleged misconduct by a student occurring on or off university premises (including via social media) where the alleged victim is the university itself, a student or employee of the university or others visiting, working or studying at the university and to alleged misconduct occurring during university activities, including placements and field trips. These regulations also apply to any alleged allegations of misconduct that constitute a criminal offence.

4.3 The following constitutes a ***non-exhaustive*** list of examples of possible misconduct:

***4.3.1 Physical misconduct***

* Punching;
* Kicking;
* Slapping;
* Biting;
* Pulling hair;
* Pushing/shoving.

***4.3.2 Sexual misconduct***

* Engaging, or attempting to engage in sexual intercourse or a sexual act without consent;
* Sharing private sexual materials of another person without consent;
* Kissing and/or touching inappropriately without consent;
* Inappropriately showing sexual organs to another person;
* Making unwanted remarks of a sexual nature;
* Failure to keep appropriate professional and sexual boundaries.

***4.3.3 Abusive behaviour***

* Threats to hurt another person;
* Engaging in any activity or behaviour which contravenes the University's Strategic Equality Plan or Dignity at Study/Dignity at Work policies, including acts of racial hatred, non-violent extremism, violent extremism and/or terrorism and abusive comments relating to an individual’s sex, sexual orientation, religion or belief, race, pregnancy, marriage/civil partnership, gender reassignment, disability or age[[1]](#footnote-1);
* Acting in an intimidating and hostile manner;
* Malicious or vexatious allegations against other members of the University community;
* Use of inappropriate language;
* Repeatedly following another person without good reason;
* Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person (see also the University’s Social Media Policy: <http://its.southwales.ac.uk/documents/download/6/>).

***4.3.4 Damage to property***

* Causing damage to University property or property of other students, staff or

visitors.

***4.3.5 Unauthorised taking or use of property***

* Unauthorised entry onto or unauthorised use of University premises;
* Misuse of University property (for example computers and laboratory equipment) or fail to comply with IT regulations;
* Purchase or order goods on behalf of the University without due authorisation.

***4.3.6 Causing a health or safety concern***

* Act/omission that did cause or could have caused serious harm on University premises or during University activities (for example, disabling fire extinguishers or possessing/supplying controlled drugs) and including interfering with anything provided in the interests of Health and Safety at Work as detailed in the [Health and Safety Policy document](https://thehub.southwales.ac.uk/Interact/Pages/Section/SubFullOne.aspx?subsection=2435);
* Act/omission that did cause or could have caused a health and safety concern on University premises or during University activities (for example, smoking cigarettes in non-designated areas);
* Carrying potential weapons, for example knives, whilst on a university campus.

***4.3.7 Operational obstruction***

* Acts/omissions/statements intended to deceive the University[[2]](#footnote-2), including failure to advise the University of a criminal offence, including a caution or reprimand, as soon as possible after the arrest;
* Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere;
* Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University;
* Bribe or attempt to bribe a member of university staff;
* Improper interference with the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere;
* Improper interference with the functions, duties or activities of any student or employee of the University or any authorised visitor to the University;
* Fail to comply with the reasonable request of an authorised individual;
* Fail to give their name and address to an officer or employee of the University when reasonably requested to do so by such officer or employee in the course of their duties;
* Failure to rectify behaviour that has been subject to any disciplinary actions under the University’s regulations.

***4.3.8 Reputational damage***

* Behaviour which has caused or could have caused damage to the reputation of the University.

4.4 Students must comply with any penalty imposed by the University in respect of any previous misconduct under these regulations. If they do not a more serious penalty may be issued.

4.5 Repeated incidents of misconduct may be more serious than a single act of misconduct and previous findings may be taken into account when determining penalties.

4.6 Students may, on occasion, believe that they have cause to complain about the behaviour of another student towards them, which has affected them personally. Where the issues concerned have no bearing on University activities, they will not be dealt with under these regulations.

**5. Procedures for Dealing with Allegations of Misconduct**

* 1. ***General principles***

5.1.1 The procedures are designed to ensure that in taking disciplinary action against a student the University acts fairly and consistently in relation to all students.

* + 1. The University will conduct disciplinary cases in a confidential and sensitive manner. The identity of individuals who make an allegation against others will be kept confidential so long as that does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the allegation and the person making the allegation may need to provide a statement as part of the evidence required.
		2. Allegations of misconduct submitted anonymously will not be considered.
		3. The outcome of any disciplinary or review hearing will be determined on the balance of probabilities[[3]](#footnote-3), according to reasonable belief in the student’s innocence or guilt.
		4. The University will not disclose any information to third parties regarding investigations and outcomes from student conduct cases unless legal exceptions under the UK’s data protection regulations apply.
	1. ***Advice on procedures***

5.2.1 The University Secretary has overall responsibility for the operation of the disciplinary procedures, including at faculty level. The Associate Registrar (Student Casework) (or nominee) acts as a point of contact for advice on procedural matters. Any student who is accused of misconduct, or otherwise involved in disciplinary investigations or hearings, is advised to seek advice from the Students’ Union or from Wellbeing Services.

***5.3 Reporting of incidents of misconduct***

5.3.1 Allegations of misconduct against a student should be made to the Associate Registrar (Student Casework). They will then be passed to the student’s dean of faculty (or nominee) who will be responsible for overseeing the handling of the allegations, drawing on advice from the Associate Registrar (Student Casework) (or nominee).

5.3.2 Allegations of misconduct should be made as soon as they are identified. Allegations must be made in writing using the Allegation of Student Misconduct Form, and include the following information:

* the identity of the person(s) against whom the allegations are made;
* the nature of the misconduct;
* the time and location;
* possible witnesses;
* details of any action already taken.

Evidence should be provided, where possible, to support any allegations.

5.3.3 The University recognises that with advances in modern technology, it is easier to make covert recordings i.e. recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Regulation of Investigatory Powers Act. In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant’s Article 8 rights under the Human Rights Act and the UK’s data protection regulations. For this reason, the University will not permit the use of covert recordings in conduct cases, except in exceptional circumstances.

The facts that will be considered are:

* The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
* The extent to which the evidence has been obtained unlawfully or its use otherwise interferes with privacy rights.
* The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.

5.3.4 Where there is doubt as to whether the student’s dean of faculty is the appropriate person to deal with the allegations (e.g. where the incident involves students in more than one faculty, or is related to the work of a central University department, or where the incident occurs in Halls of Residence), the Associate Registrar (Student Casework) will advise.

5.3.5 The student’s dean of faculty (or nominee), in consultation as appropriate with the Associate Registrar (Student Casework), will consider the nature and seriousness of the allegations with a view to deciding whether there is a *prima facie* case for formal disciplinary proceedings, on the basis of the information available, or whether the matter should be handled informally outside the University disciplinary regulations.

***5.4 Investigations into cases of misconduct***

5.4.1 Any student against whom allegations are made will be informed, in writing, of the nature and seriousness of the allegations made, that they are the subject of an investigation, and the identity of the investigating officer who will look into the case against them.

5.4.2 In each case which is to be the subject of formal disciplinary proceedings an investigating officer will be appointed, who will normally be an appropriate nominee of the dean of faculty.

5.4.3 The Student Casework Unit will be informed of the allegation of misconduct and the identity of the investigating officer.

5.4.4 Investigating officers, when they are first appointed, will be required to undertake a briefing session about their role with the Student Casework Unit and will receive written guidelines on how to conduct investigations.

5.4.5 The investigating officer will conduct an investigation of the allegations within 30 working days. The timescale may be extended by agreement with the individual who is the subject of the allegations or, in exceptional circumstances, by the University. Any meetings with the student will be held at their campus unless, due to the allegations, this is inappropriate. The Student Casework Unit will correspond with the student in relation to any delays in the process.

5.4.6 Where an investigation highlights the need for the Fitness to Study Regulations to be accessed the nature and length of the investigation may require adjustment from the usual form, or may be suspended pending the outcome of investigations under the Fitness to Study Regulations.

5.4.7 Following completion of the investigation, the investigating officer’s report will be presented to the dean of faculty. The dean of faculty will liaise with the University Secretary/Associate Registrar (Student Casework) as necessary. A decision will be taken as to whether there is a case to answer and, if so, whether the faculty already has sufficient evidence to reach a conclusion on the case and to apply a penalty or whether the case should be referred to a Disciplinary Committee. Alternatively, consideration will be given to whether the matter could be resolved in other ways (e.g. counselling/advice or informal warning).

5.4.8 Serious allegations of misconduct will be heard by the Disciplinary Committee. Less serious allegations of misconduct will be dealt with within the student’s faculty.

5.4.9 The student is allowed to be supported at any meetings held by the faculty or at any hearings held by the Disciplinary Committee, for example by a friend or a representative. At least 24 hours before the meeting/hearing, the student should advise the member of staff organising the meeting/hearing of the name and status of the person accompanying them. Although the University would not anticipate the attendance of a legal representative, the investigating officer/chair of the hearing may exercise discretion should the student indicate that they wish to bring someone with a legal background. Such a person will not be in attendance at the hearing in a legal capacity but as support for the student.

5.4.10 The Disciplinary Committee will normally be convened within 20 working days of referral of the case. Students will be provided with the date for the hearing of the Disciplinary Committee by the Student Casework Unit. Should the student, for good reason, require a revised date the hearing will be rearranged once only. Students should inform the University at least 48 hours in advance of the original hearing if they require a revised date. Should a student not attend the hearing, it will take place in their absence; in that case, however, students are strongly advised to provide a written submission.

5.4.11 It is the student’s responsibility to ensure that any witness they wish to call attends the meeting.

***5.5 Communication***

5.5.1 Details on responsibilities for communication at each stage of the student conduct procedures are included in the Communication Plan.

**6. Precautionary Actions for the Purpose of Investigation**

6.1 Where an allegation is of sufficient seriousness, the Risk Assessment Panel or, due to the urgent or sensitive nature of the matter, the University Secretary, may approve a precautionary action until the hearing by a Disciplinary Committee takes place and a conclusion has been reached (please see Risk Assessment Procedures for further details). Precautionary action must be reasonable and proportionate. The following constitutes a non-exhaustive list of examples of precautionary actions:

* Temporary suspension of a student from their studies; this will be interpreted as exclusion from all University campuses and services, including residential accommodation. However, the student may visit the campus to access any support required in preparing a defence, eg from the Students’ Union or Wellbeing Services, providing appointments have been made in advance through the Student Casework Unit.
* Temporary suspension of a student from their placement.
* Temporary exclusion of a student from the campus, or certain areas of the campus (for example the Students’ Union or Halls of Residence).
* Suspension of a student’s access to the University’s IT facilities.
* Imposing certain restrictions/conditions on the student (for example requiring the student to move accommodation and/or requiring the student not to contact specified individuals).

**7. Misconduct which is also a Criminal Offence**

* 1. The University has a duty of care to its staff and students and therefore must be informed of any alleged criminal activity by its students. If at any time during their enrolment a student is cautioned or arrested for, or charged with a criminal offence they are required to report this immediately and to report on the progress of any criminal proceedings to the Associate Registrar (Student Casework). If a student is sent for trial, the Associate Registrar (Student Casework) must be kept informed at all stages either by the student or by their solicitor. If a student is subsequently convicted then this must also be reported along with details of any penalty or sentence imposed. Failure to advise the University of a criminal offence, including a caution or reprimand, as soon as possible after the arrest, will be regarded as misconduct (see also 4.3.7 above).

7.2 The University would expect that an allegation of a criminal offence would be made to the police by the reporting student; however, in some circumstances the allegation will be made by the University on behalf of the reporting student.

 In exceptional circumstances, the University will report an alleged crime to the police contrary to the wishes of the reporting student if disclosure of the information is necessary to protect the reporting student, or others, from harm or prevent a further crime taking place. In deciding whether to make such a disclosure and in deciding what information to disclose, the University will take into account any potential harm that the unauthorised disclosure may cause to the reporting student. If the reporting student decides not to involve the police, they will still have the option of requesting that the University considers the matter under the Student Conduct Regulations. In these circumstances, the case will be dealt with as a potential breach of these regulations and not as a criminal offence.

7.3 Conduct which may constitute a criminal offence may also amount to misconduct which, in addition to any criminal process, may therefore fall to be dealt with under these regulations, or the Fitness to Practise Regulations, if that conduct:

* took place on University premises; and/or

affected other members of the University; and/or

* damaged or was likely to damage the reputation of the University; and/or
* impacts on a student’s fitness to practise.

7.4 The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law:

1. No disciplinary action (other than precautionary action pursuant to 5 above) may be taken under the University’s regulations unless the matter has been reported to the police and either the student has been prosecuted or a decision not to prosecute has been taken, at which time the Vice-Chancellor (or nominee) may decide whether disciplinary action may be taken.
2. Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty will be taken into consideration in determining any penalty under the University’s regulations. Further investigation by the University will not be required as the conviction/caution will be taken as evidence that the behaviour took place.
3. A student on whom a custodial sentence is imposed will normally be required to suspend studies for the duration of the custodial sentence. The date of a student’s return to studies will be considered by the University’s Disciplinary Committee and take into account the student’s individual circumstances (see also section 8).
4. Where the custodial sentence is more than 6 months, or longer than the remainder of the duration of the student’s course, the University will withdraw the student. Students are able to request a review of this decision. The request for review will be considered by the Vice-Chancellor (or nominee) and a member of senior management. The role of the panel is to consider whether the decision of the Assistant University Secretary was correct based on the current regulations and evidence available to them at the time; and to consider whether any new evidence could overturn this decision. In the case of a difference of opinion between the two members of the panel, the Vice-Chancellor (or nominee) will have the casting vote.

**8. Disciplinary Committee - Membership and Functions**

 A Disciplinary Committee will be convened to consider serious cases of misconduct by students.

8.1 The membership of the Disciplinary Committee will be constituted as follows:

 One member of the University's senior management (Chairperson);

 One staff member of the Academic Board;

 The President of the Students' Union or nominee.

The committee will be served by a secretary who is not a member but will be present throughout the proceedings. The secretary will be the Associate Registrar (Student Casework) (or nominee).

 The members of the Disciplinary Committee will have had no previous involvement with the case(s) or association with the student(s).

8.2 The functions of the Disciplinary Committee are as follows:

1. To consider reports from investigating officers in respect of serious allegations of misconduct by students.
2. To consider appeals against formal warnings or charges.
3. To establish, as far as possible, the facts of the case, including the ability to call witnesses.
4. To consider appropriate action as follows:

* + 1. to approve a period of suspension on disciplinary grounds;
		2. to approve expulsion of a student;
		3. to impose other restrictions where it is deemed appropriate (for example, restrictions on use of IT);
		4. to take any action available in the penalty list;
		5. to confirm that action taken so far is sufficient and appropriate;
		6. to agree that the offence has not been established and there is no case to answer. Under these circumstances, the University will ensure so far as possible that the student has not been disadvantaged by any disciplinary action or suspension.
1. To report its decision to the Vice-Chancellor and the University Secretary.

8.3 Penalties, other than suspension and expulsion, will only be imposed after the request for review period has expired.

***8.4 Paperwork required for hearings***

8.4.1 When a student is referred to the Disciplinary Committee, the following information will be requested:

* the student’s personal statement;
* the investigating officer’s report, minutes of meetings and evidence gathered;
* Student Conduct Regulations;
* any other relevant documentation.

8.4.2 All documentation will be sent to the secretary of the Disciplinary Committee.

8.4.3 The secretary will send to the student a copy of all documentation received and will notify both parties of the date of the Disciplinary Committee hearing as soon as possible and in any event, not less than 10 working days before the hearing.

8.4.4 The student will be invited to set out his or her case in writing prior to the hearing. Copies of any relevant documentation should be enclosed. These should be sent to the secretary of the Disciplinary Committee not less than 5 working days before the hearing.

8.4.5 The student must also send the secretary details of any witnesses they are proposing to bring to the hearing in support of their case. The student is responsible for ensuring that any witnesses they wish to call are notified of the date, time and venue for the hearing.

8.4.6 It is the student’s responsibility to provide any written material in support of their case. Written material, submitted by the student, will be circulated by the secretary at least 3 working days before thehearing.

8.4.7 The committee will not receive written material that has not also been made available to the student.

8.4.8 Any written communication to the student will be sent by e-mail and/or first class post to the registered term-time address last supplied by the student. Such despatch will be deemed to be sufficient and complete discharge of the duty to inform the student. It is the student’s responsibility to ensure that his or her current address is made known to the faculty concerned.

***8.5 Format of hearings***

8.5.1 Hearings by the Disciplinary Committee should take the following format:

* the case against the student should be explained first by the chair of the Disciplinary Committee;
* this should be followed by the investigating officer explaining their findings;
* the student should then be given an opportunity to make their case prior to any witnesses being called;
* the Disciplinary Committee will ask questions of the student and the investigating officer, calling witnesses as appropriate;
* the student and the investigating officer will be given the opportunity to ask questions and sum up their case for the Disciplinary Committee prior to withdrawing.

8.5.2 The committee will aim to reach a decision based on the information provided and write to the student within 5 working days of the hearing. Should the committee require further information in order to reach a decision the student will be informed of any delays.

**9. Penalties Which May Be Imposed Where Allegations of Misconduct are Proven**

***9.1 Written apology***

The student may be required to write a written apology to the relevant individual(s). If the apology is deemed to be insincere by the University the student may be asked to re-write it or the case may be referred back for further action under the Student Conduct Regulations.

***9.2 Formal warnings***

 There are two categories of formal warnings which may be issued depending on the seriousness of the misconduct.

a) Written formal warning - may be issued by the Chair of the Disciplinary Committee, dean of facultyto which the student belongs, by a head of corporate department or by the University Secretary.

1. Final written warning – may be issued by the dean of faculty, a head of corporate department or by a Disciplinary/Fitness to Practise Committee.

 Written formal warnings will remain on record for a specified period, normally one year. Any repeated occurrence of a similar offence may result in a recommendation to the Vice-Chancellor, or their nominee, that the student be referred to a Disciplinary Committee. Following the issuing of a final written warning to a student, any further cases of misconduct will be dealt with directly by a Disciplinary Committee; with the anticipation of expulsion should the case be proven.

***9.3 Charges***

 A student may be required to make good any damage they have caused at their expense. Charges of up to £1000 may be required by the Vice-Chancellor or their nominee. The charges are to be paid to the owner or possessor of the property damaged. The Vice-Chancellor will have regard to the means of the student and may allow time to discharge the sum or order the sum to be paid in prescribed instalments.

***9.4 Restrictions/conditions***

Restrictions or conditions may be imposed by the Disciplinary Committee on a student,

examples of which are: support to be sought from Student Services; no direct contact to

be made with another student.

***9.5 Exclusion***

The Disciplinary Committee has the authority to exclude a student from certain areas of

the campus, such as the Students’ Union, Halls of Residence or the Sports Hall. In

such cases, the student will normally be allowed to attend the University for education

and support purposes only.

***9.6 Suspension***

 The Disciplinary Committee has the authority to suspend a student from the University on disciplinary grounds for such period as the Disciplinary Committee considers just and reasonable in the circumstances. Conditions may be imposed on a student’s return to study. Students who are suspended will be required to pay a proportionate amount of fees dependent upon an assessment of fees already paid and the teaching already received. Any marks which have not been ratified by the assessment boards prior to the suspension may be removed.

***9.7 Expulsion***

 The Disciplinary Committee has the authority to expel a student from the University on disciplinary grounds. Students who are expelled will be required to pay a proportionate amount of fees dependent upon an assessment of fees already paid and the teaching already received. Any marks which have not been ratified by the assessment boards prior to the suspension may be removed.

***9.8 Application of penalties***

9.8.1 Decisions on which of the above penalties should be applied will be made in accordance with the ‘Guidelines for the Application of Penalties’ available in Appendix 1.

9.8.2 Multiple or repeated incidents of misconduct may be more serious than a single act of misconduct and previous findings may be taken into account when determining what penalty should be imposed.

9.8.3 Penalties may be imposed on students who have graduated, where an offence took place whilst they were a student of the University. This would normally constitute a formal written warning that would remain on the student’s record for a specified period of time.

**10. Request for Review**

***10.1 General principles***

10.1.1 Students have the right to request a review against the penalty which has been imposed by the Disciplinary Committee.

***10.2 Timescales***

10.2.1 The request for review must be submitted to the Student Casework Unit and should be received not later than 10 working days after the formal notification of the outcome of the Disciplinary Committee.

***10.3 Grounds for review***

10.3.1 The grounds under which a review of formal warnings, fines or charges may be made are:

1. That new evidence or extenuating circumstances have become known which the student could not have reasonably made known at the time of the original investigation for cases of misconduct considered by the faculty, or at the original hearing for cases of misconduct considered by the University Disciplinary Committee. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason.)*
2. That there were irregularities in the conduct of proceedings of such a significant nature as to cause reasonable doubt as to whether the panel would have reached the same decision had they not occurred.

The grounds under which a request for review against suspension or expulsion may be made are as above and, in addition:

1. That the original penalty imposed was excessive against the guidelines.

10.3.2 It is the student’s responsibility when requesting a review to demonstrate, on the balance of probabilities, that there is evidence to show that one or more of the grounds stated in 10.3.1 applies.

* 1. ***Consideration of the request for review***

10.4.1 The University Secretary (or nominee) will consider the student’s request for review and may dismiss it without a hearing in the following circumstances:

1. The request for review was not submitted within the specified timescale.
2. No identifiable grounds for review were presented.
3. The grounds for review were deemed to be vexatious or frivolous.
	* 1. If the University Secretary (or nominee) considers that there are no grounds for review, the student will be issued with a Completion of Procedures Letter.
		2. If the University Secretary (or nominee) considers that there are grounds for review, the case will be referred to a Review Panel.
		3. The decision of the University Secretary (or nominee) will be communicated to the student within 5 working days of receipt of the request for review.

***10.5 Review Panel***

10.5.1 The Review Panel hearing will be convened within 20 working days of the decision of the University Secretary to refer the case. This timescale may be extended by agreement with the student who is the subject of the allegations or, in exceptional circumstances, by the University.

10.5.2 A Review Panel is constituted as follows:

* + Vice Chancellor (or nominee);
	+ Member of senior management.

In the case of a difference of opinion between the two members of a panel, the Vice-Chancellor (or nominee) will have the casting vote.

The hearing will be served by a secretary who is not a member but will be present throughout the proceedings. The secretary will be the Associate Registrar (Student Casework) (or nominee).

 The members of the Review Panel will have had no previous involvement with the case or association with the student.

10.5.3 The Review Panel may decide that:

1. The outcome of the Disciplinary Committee should be upheld.
2. The outcome of the Disciplinary Committee should not be upheld.
3. The Disciplinary Committee made procedural errors and/or errors of judgement and a new Disciplinary Committee should be convened to hear the case afresh.
4. The outcome of the Disciplinary Committee was disproportionate and a more proportionate outcome should be substituted.

10.5.4 The decision of the panel shall be final and will be notified to the student within a period of 5 working days following the meeting by e-mail and/or first class post to the last known address of the student. Such despatch will be deemed to be sufficient and complete discharge of the duty to inform the student.

10.5.5 If the review is successful, the University will ensure as far as possible that the student has not been disadvantaged by any disciplinary action or suspension.

**11. Office of the Independent Adjudicator**

 A student whose appeal against a disciplinary outcome is unsuccessful may, following issue of a Completion of Procedures letter, lodge a complaint with the Office of the Independent Adjudicator (OIA). Details of the OIA and the relevant information in relation to the Scheme can be accessed at [www.oiahe.org.uk](http://www.oiahe.org.uk). Further information and advice can be obtained from the Student Casework Unit, University Secretary’s Office.

 **Guidelines for Application of Penalties**

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| **DISCIPLINARY OFFENCE** | **EXAMPLES OF UNACCEPTABLE BEHAVIOUR** | **EXAMPLES OF PENALTIES** | **RESPONSIBILITY FOR IMPOSING PENALTY** |
| Physical Misconduct | Causing injury by:* Punching
* Pushing
* Shoving
* Kicking
* Slapping
* Biting
* Pulling hair
 | * Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Disciplinary Committee |
| Likely to cause injury but didn’t by:* Pushing
* Shoving
* Pulling hair
 | * Formal warning
* Written apology
 | Dean of faculty to which the studentbelongs |
| Sexual Misconduct | * Engaging in sexual intercourse or a sexual act without consent
* Attempting to engage in sexual intercourse or a sexual act without consent
* Sharing private sexual materials of another person without consent
* Sending inappropriate photos/materials
* Forcefully kissing without consent
* Touching inappropriately through clothes without consent
* Inappropriately showing sexual organs to another person
* Making unwanted remarks of a sexual nature
 | * Expulsion
* Suspension/exclusion
* Restrictions/conditions
* Formal warning
* Written apology
 | University Disciplinary Committee Dean of faculty to which the studentbelongs |
| * Lightly kissing without consent
* Making unwanted remarks of a sexual nature
 | * Restrictions/conditions
* Formal warning
* Written apology
 | Dean of faculty to which the studentbelongs |
| Abusive Behaviour | * Threats to hurt another person
* Engage in any activity or behaviour which contravenes the University's Strategic Equality Plan or Dignity at Study/Dignity at Work policies, including acts of racial hatred, non-violent extremism, violent extremism and/or terrorism and abusive comments relating to an individual’s sex, sexual orientation, religion or belief, race, pregnancy, marriage/civil partnership, gender reassignment, disability or age
* Acting in an intimidating and hostile manner
* Repeatedly following another person without good reason
* Malicious or vexatious allegations against other members of the University community causing a significant effect
 | * Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Disciplinary Committee |
| * Malicious or vexatious allegations against other members of the University community causing a minor effect
* Use of inappropriate language
* Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person
* Repeatedly following another person without good reason
 | * Formal warning
* Witten apology
 | Dean of faculty to which the studentbelongs |
| Damage to Property | * Maliciously or wilfully causing significant damage to University property or the property of students or employees of the University or visitors to the University
 | * Expulsion
* Suspension/exclusion
* Restrictions/conditions
* Charges - requirement to make good the damage caused at their expense
 | University Disciplinary Committee |
| * Causing minor damage to University property or the property of students or employees of the University or visitors to the University
 | * Formal warning
* Written apology
 | Dean of faculty to which the studentbelongs |
| Unauthorised Taking Or Use Of Property | * Unauthorised entry onto or unauthorised use of University premises
* Taking another’s property without their consent
* Taking unauthorised recordings and uploading them to social media with significant effect
 | * Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Disciplinary Committee |
| * Misuse of University property (for example computers and laboratory equipment)
* Taking another’s property without their consent
* Taking unauthorised recordings and uploading them to social media with minor effect
 | * Formal warning
* Written apology
 | Dean of faculty to which the studentbelongs |
| Causing A Health Or Safety Concern | * Act/omission that did cause or could have caused serious harm on University premises or during University activities (for example, disabling fire extinguishers or possessing/supplying controlled drugs)
* Carrying potential weapons, for example knives, whilst on a university campus.
 | * Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Disciplinary Committee |
| * Act/omission that did cause or could have caused a health and safety concern on University premises (for example, smoking cigarettes in non-designated areas)
* Carrying potential weapons, for example knives, whilst on a university campus.
 | * Formal warning
* Written apology
 | Dean of faculty to which the studentbelongs |
| Operational Obstruction | * Acts/omissions/statements intended to deceive the University[[4]](#footnote-4)
* Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere
* Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University
* Bribe or attempt to bribe a member of university staff
* Fail to comply with the reasonable request of an authorised individual.
 | * Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Disciplinary Committee |
| * Improper interference with the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere
* Improper interference with the functions, duties or activities of any student or employee of the University or any authorised visitor to the University
* Fail to comply with the reasonable request of an authorised individual
* Fail to give their name and address to an officer or employee of the University when reasonably requested to do so by such officer or employee in the course of their duties
 | * Formal warning
* Written apology
 | Dean of faculty to which the studentbelongs |
| Reputational damage | * Behaviour which has caused serious damage or could have caused serious damage to the reputation of the University
 | * Expulsion
* Suspension/exclusion
* Restrictions/conditions
 | University Disciplinary Committee |
| * Behaviour which has damaged or could have damaged the reputation of the University
 | * Formal warning
* Written apology
 | Dean of faculty to which the studentbelongs |

1. It is to be noted that incidents which appear to the victim or anyone else to be based on prejudice towards

them because of their race, religion, sexual orientation, disability or transgender identity are known as hate

incidents.  When a hate incident is also a criminal offence it is known as a hate crime. Hate crime is not a

specific criminal offence in itself, rather it denotes a criminal offence  such as assault, harassment, sexual

offences, criminal damage and hate mail, which is perceived to be motivated by hostility or prejudice based on

race, religion, sexual orientation, disability or transgender identity. [↑](#footnote-ref-1)
2. Where an act is committed to gain admission to the University, eg falsification of qualifications, where no

credit has been awarded, this will be considered through the admissions procedures. Where credit has been

gained, the matter will be dealt with through the Student Conduct Regulations. [↑](#footnote-ref-2)
3. This means that the circumstances were more likely than not to have happened. This is a lower standard than ‘beyond reasonable doubt’. [↑](#footnote-ref-3)
4. When an act is committed to gain admission to the University, eg falsification of documents, where no credit has been awarded this will be considered through the

admissions procedures; where credit has been gained, the matter will be dealt with through the Student Conduct Regulations. [↑](#footnote-ref-4)