

# Student Disciplinary Regulations

2023-24



Edge Hill  
University

# Student Disciplinary Regulations

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## Summary

The Student Regulations provides advice and guidance on the services open to students and also details important information on policy, procedures and regulations.

## Glossary of Terms

There are no unusual terms in these regulations.

## Purpose

This document is aimed primarily at students and details the procedure for reporting non-academic offences. It includes how the reporting and responding parties can be supported, the different stages of the process and the sanctions which may be invoked.

## Regulations

### 1. General provisions

- 1.1** Edge Hill University exists primarily to provide higher education, support continuing professional development and to carry out research. We aim to provide an environment, which is supportive to you, and to enable your academic achievement and the social well-being of our whole community and those who come into contact with the University and its student population.
- 1.2** The Student Disciplinary Regulations ('the Regulations') are derived from our responsibility to maintain student discipline so that you and all staff can go about your intended activities. They are designed to assist us in fulfilling our duty of care and responsibility to members of our community and to defend our good name and reputation.
- 1.3** The purpose of the Regulations is to ensure that you are fully aware of what is expected of you and that you maintain a standard of conduct both on campus and off campus which does not:
  - cause actual or potential distress or harm to others
  - cause actual or potential damage to the property of the University or others
  - disrupt the normal functioning or operation of the University, or
  - impede or interfere with the pursuance of work or study of those working or studying at the University

**1.4** You should ensure that you are aware of all provisions affecting you which are also contained elsewhere, for example in the Student Charter and other Regulations of the University, and in such other codes of practice, policies, handbooks and similar documents which you will have been provided with or directed to by the University.

**1.5** Advice and support is available to all students involved in disciplinary investigations, regardless of their involvement in the incident, through the [Student Wellbeing team](#). The [Students' Union Advice Centre](#) also offers independent advice and we strongly recommend that students discuss their case with them.

**1.6** *Communication with students.* We will use a variety of methods to communicate with those students involved in the disciplinary process. Where we use email will send all communications to the students' University email address. If access to the University email is removed during this process, the student(s) must provide us with an alternative email address. It is a student's responsibility to ensure we have their correct details and to check their emails regularly. We will save all correspondence relating to the disciplinary case.

These regulations specify timeframes for us and students to provide or respond to information. Sometimes, circumstances beyond our control may impact on the timeframe or alter the process somehow. Where this happens, we will communicate with students regularly to keep them updated and ensure they are able to access any support they require. We will also communicate such changes to the other parties involved.

**1.7** The following may nominate another to undertake their role under the Regulations:

- Vice-Chancellor may nominate a Deputy Vice-Chancellor or Pro Vice-Chancellor
- Pro Vice-Chancellor may nominate another member of the Directorate Management Group of the University
- Head of Customer Services may nominate another member of staff of the University
- Head of Student Casework may nominate another member of staff of the University
- Accommodation Manager may nominate another member of staff of the University

**1.8** Any person involved in the investigation or determination of a disciplinary case shall declare any matter, which raises or may raise a conflict with their duties under these Regulations.

- 1.9** A suspension means that you are prohibited from participating in your academic activities with us and your registration on your course of studies is put on hold and that you are prohibited from using University facilities and/or entering University grounds or premises. A partial or qualified suspension may be put in place where appropriate.
- 1.10** If you permanently withdraw from the University during the disciplinary process, we may continue to pursue disciplinary action and impose a sanction on you.
- 1.11** If you withdraw from the University during the disciplinary process and later return, we may continue to pursue the disciplinary action and impose a sanction on you.
- 1.12** These Regulations do not apply to incidents of alleged academic malpractice. The Academic Regulations apply to any such incidents.
- 1.13** Where you are registered for a programme, which is subject to a Fitness to Practice procedure, we may apply the Fitness to Practice procedure when investigating and dealing with allegations of malpractice in relation to you.
- 1.14** Where an investigation identifies that alleged misconduct may be as a result of ill health, we may decide to apply the Fitness to Study Procedure instead of, or as well as, these Regulations.
- 1.15** Amendments or additions to these Regulations shall (unless otherwise stipulated) be of immediate effect.

## **2. Reporting an incident**

- 2.1** Where someone observes or is informed of student conduct which may constitute disciplinary misconduct ('an incident'), they should report the incident to the Accommodation team.
- 2.2** The person reporting the incident will be known as 'the reporting student' (or 'reporting party', if not an Edge Hill student). The person about whom the report is made will be known as 'the responding student'. Unless stated otherwise, all references to 'the student' hereafter will refer to the responding student.
- 2.3** Incidents that occur outside the University or via a non-University mechanism (such as social media) may also be dealt with under these Regulations.

**2.4** The Campus Life Team may check University records in order to ascertain whether the student has committed any previous acts of disciplinary misconduct and may provide that information to those involved in the disciplinary process, if appropriate. The information may not be relied upon as evidence that the student has committed the alleged act of misconduct currently being considered under these Regulations, but it may be taken into account when considering whether it is necessary to impose precautionary action, when considering which disciplinary route to follow and when considering sanctions.

### **3. Precautionary action**

**3.1** The Head of Customer Services may impose immediate conditions on the student to ensure that a full and proper investigation can be carried out and/or to safeguard the reporting and responding students or others whilst the incident is being considered under these Regulations. For example, a student may be required not to contact certain witnesses to the incident or abide by curfew conditions as to when they can attend campus and where on campus they are permitted to go. Those conditions will not include the suspension of a student that are dealt with separately at Clause 3.3.

**3.2** A decision by the Head of Customer Services to impose conditions on the student together with the reasons for the decision will be communicated to them in writing as soon as reasonably practicable ('Conditions Notice'). The student will be given an opportunity to make representations to the Head of Customer Services about the imposition of conditions within 10 working days of the date of the Conditions Notice. The student may request that the Head of Customer Services review the conditions at any stage if there is a material change in the circumstances of the case. Representations and requests relating to the imposition of conditions must be sent in writing to the Head of Customer Services who will review the conditions and either maintain the conditions, change the conditions or remove the conditions. The Head of Customer Services will inform the student in writing of the outcome of any review together with the reasons for their decision within 10 working days of the decision being made.

**3.3** If the nature of the incident suggests that there may be a risk to the health, safety or well-being of the reporting or responding student or others, or if a responding student fails to abide by conditions that are imposed by the Head of Customer Services under paragraph 3.1, the Pro Vice-Chancellor may suspend the student for a specific period of time or until the conclusion of criminal proceedings (if applicable) or until the conclusion of disciplinary proceedings.

- 3.4** The imposition of conditions and/or a suspension at this stage are precautionary in nature, they are not a penalty and do not indicate that a conclusion has already been made that the student has committed a disciplinary offence.
- 3.5** The student will be informed of the decision by the Pro Vice-Chancellor to impose conditions and/or suspend together with the reasons for the decision in writing and notified of the right to make representations as soon as reasonably practicable ("Preliminary Suspension Notice"). The student may submit representations to the Pro Vice-Chancellor within 10 working days of the date of the Preliminary Suspension Notice and the Pro Vice-Chancellor will review their decision taking the written representations into account. The student will be informed of the outcome of the review in writing as soon as possible. If the Pro Vice-Chancellor decides to continue with or impose any new suspension as a precautionary action following the review of the representations, the student will be provided with a Precautionary Suspension Notice.
- 3.6** Once the student has made representations to the Pro Vice-Chancellor and received a decision and a Precautionary Suspension Notice, the student may then appeal in writing against the Pro Vice-Chancellor's decision to suspend them as a precautionary action by writing to the Head of Customer Services within 10 working days of the date of the Suspension Notice setting out the reasons for the appeal. The student may not appeal if they have received a Preliminary Suspension Notice but have failed to submit representations to the Pro Vice-Chancellor in accordance with paragraph 3.5 above.
- 3.7** The Vice-Chancellor shall consider the written appeal and shall
- uphold the Pro Vice-Chancellor's decision, or
  - change the scope of the precautionary suspension (the scope may be increased or decreased), or
  - remove the precautionary suspension.
- 3.8** The Vice-Chancellor will inform the student in writing of their decision together with the reasons for that decision within 10 working days of reviewing the written appeal submission.
- 3.9** The precautionary suspension will be reviewed at regular intervals as determined by the Pro Vice-Chancellor.
- 3.10** The student may request that the Pro Vice-Chancellor review the precautionary suspension at any stage if there is a material change in circumstances. Such a request must be sent in writing to the Head of

Customer Services. The request will be provided to the Pro Vice-Chancellor who will review the precautionary suspension.

**3.11** At each review, the Pro Vice-Chancellor may:

- maintain the precautionary suspension, or
- change the scope of the precautionary suspension (the scope may be increased or decreased), or
- remove the precautionary suspension

**3.12** The appeal process at 3.6 is not available for reviews made under 3.11.

#### **4. Initial investigation and choice of disciplinary route**

**4.1** On receiving a report of an incident, the Campus Life Team shall appoint a person to investigate the incident ('the Investigating Officer').

**4.2** The Investigating Officer may make whatever initial enquiries they believe to be necessary and will produce a record setting out details of the incident and a summary of the information gathered in response to the enquiries made.

**4.3** If the Investigating Officer decides that further action is required, the Investigating Officer shall decide in consultation with the Accommodation Manager, which disciplinary route shall be followed. If it is decided that the case should be dealt with under Route B, the case will be referred directly to the Student Casework Team.

**4.4** If the Investigating Officer determines, in consultation with the Accommodation Manager, that no further action is required then the incident will be recorded and logged on the Incident Database but no further disciplinary steps will be taken.

**4.5** The Investigating Officer will provide the following information to the student in writing usually within 10 working days of completing their initial enquiries ('Letter of Notification'):

- Details of the incident, notification of the allegations being considered, and a summary of the information gathered by the Investigating Officer,
- Notification of which disciplinary route is to be taken
- Details of the next steps

**4.6** Where the Investigating Officer is unable to provide all of the above information, for example, because of the nature of further enquiries, the Investigating Officer will provide the student with the information that is



available and then provide further information when it becomes available.

- 4.7 The student will be notified in writing as soon as reasonably practicable if there is any variation of the allegation(s) at any stage.

## 5. Disciplinary Route A

### 5.1 Examples of misconduct considered under this route

- The circumstances and context of each case will be taken into account when determining which disciplinary route will be taken. The following list provides examples of incidents that may be considered under the Disciplinary Route A. The list is illustrative and is not exhaustive:
  - a) Use of inappropriate language
  - b) Failure to comply with rules or regulations; for example, causing a disturbance in a lecture or smoking in non-designated areas
  - c) Possession of controlled drugs
  - d) Refusal to respond to a reasonable request by relevant University staff, for example, refusing to confirm identity when requested
  - e) Other disrespectful behaviour towards staff
  - f) Causing distress to others through excessive and unacceptable levels of noise
  - g) Causing minor damage to property
  - h) Behaviour that has or has the potential to cause damage to the reputation of the University; and/or
  - i) Breach of Fire Safety Regulations

### 5.2 Procedure

- The Investigating Officer will invite the student to either admit the alleged misconduct (and make any representations about the action that the University should take) or to deny the alleged misconduct.
- The student will be given an opportunity to provide any evidence in support of their case or any evidence in relation to mitigating circumstances in writing within 10 working days of the Letter of Notification.
- The student will be given an opportunity to meet with the Investigating Officer. The student may be accompanied by another student or an advisor from the Students' Union, but the student is expected to make their own representations.

- The student may be required to attend a meeting with the Investigating Officer. The student may be accompanied by another student or an advisor from the Students' Union, but the student is expected to make their own representations. Where a student is required to attend a meeting they will be given 10 working days' notice of the meeting date.
- If the alleged misconduct is admitted in full by the student, the Investigating Officer will determine whether it is appropriate to impose a sanction(s) on the student and, if so, decide which sanction(s) should be imposed.
- If the alleged misconduct is not admitted by the student, the Investigating Officer will decide if there is sufficient evidence to establish on the balance of probabilities (it is more likely than not) that misconduct has occurred and will determine whether it is appropriate to impose a sanction(s) on the student and, if so, decide which sanction(s) should be imposed.
- The student will be notified in writing of the Investigating Officer's decision and details of any sanctions being imposed together with the reasons for the decision and of the right to appeal that decision within 10 working days of the decision being made ('Outcome Letter').
- The Investigating Officer may at any stage decide that the incident should follow Disciplinary Route B. In such circumstances, they will refer the case directly to the Student Casework Team. The student will be notified in writing as soon as is reasonably practicable by the Investigating Officer of any change in the disciplinary route.
- The Investigating Officer has discretion to vary the procedure set out above if they decide that it is fair to do so.

### **5.3 Sanctions**

- The circumstances and context of each case will be taken into account when determining whether a sanction(s) should be imposed and if so, which sanction(s) should be imposed and, where relevant, the timeframe for compliance. The following list provides examples of sanctions that may be imposed by the Investigating Officer under this Disciplinary Route A. The list is illustrative and is not exhaustive:
  - a) A decision to take no further action in respect of the act of misconduct
  - b) A written apology to any person or persons affected by the incident
  - c) A requirement for the student to make good at their expense, in

whole or part, any damage caused by them whether alone or with others

- d) Compulsory attendance at an appropriate workshop, course and/or one to one sessions
  - e) Referral to [Student Wellbeing](#)
  - f) A requirement for the student to undertake a specified number of hours of service for the benefit of the complainant, the University or the local community
  - g) The payment of a fine not exceeding £250. Fines paid by students under these regulations are used to support students through the Student Support Fund
  - h) Inclusion on the Do Not House List, which means the student cannot live in the University halls of residence
  - i) The provision of a caution
  - j) The provision of a formal written warning to the student setting out the consequences of any further acts of misconduct
  - k) An extension of a previous sanction
  - l) Relocation of the student to another room on campus
  - m) Termination of the student's Residential Contract
- The Investigating Officer may take previous acts of misconduct by the student into account when determining which sanction is most appropriate
  - We prioritise the wellbeing and safety of all parties involved in the disciplinary process and ensure compliance with current UK data protection legislation. This means we may not be able (or permitted) to fully disclose the details of an investigation outcome
  - In some cases we may need to share the reporting student's statement as part of the investigation, Where this happens, we will adhere to the guidance from the Information Commissioner's Office (ICO) and UK data protection legislations
  - *Communicating with the reporting student*
    - If a case is concluded at this point in the procedures we will inform the reporting student that the matter has been dealt with in line with University policy and procedures
    - If a case is escalated from this point in the procedures, we will contact the reporting student and advise them of the next steps

#### **5.4 Appeal**

- The following are the only grounds of appeal which will be considered:
  - a) That there was a material procedural irregularity which may have

- affected the outcome
- b) That there is evidence which was not considered by the Investigating Officer which may have affected the outcome and which the student could not reasonably have been expected to have submitted at the time
  - c) That the decision is not one which, given the evidence, could be reasonably sustained.
- If the student wishes to appeal the decision of the Investigating Officer, they must notify the Accommodation Manager in writing within 10 working days of the date of the Outcome Letter completing the Disciplinary Appeal Form that sets out the grounds for appeal.
  - The Accommodation Manager will review the student's grounds for appeal and decide if it has a real prospect of success or if there is some other compelling reason why the appeal should be considered.
  - The Accommodation Manager will contact the student and confirm whether the appeal will proceed or whether it will not progress. For non-progression, the reasons for the decision will be set out by the Accommodation Manager.
  - If the appeal progresses the Investigating Officer shall be provided with a copy of the student's appeal and given an opportunity to respond (which may include the provision of documents). A copy of the Investigating Officer's response (if any) will be provided to the student by the Accommodation Manager.
  - The student's written appeal and the Investigating Officer's response (if any) will be considered by the Accommodation Manager and their decision will be based upon the papers. The Accommodation Manager may:
    - a) uphold the decision of the Investigating Officer, or
    - b) set aside the decision of the Investigating Officer and substitute their own decision.
  - The Accommodation Manager has the discretion to make a decision and/or impose a sanction that is more or less serious than that imposed by the Investigating Officer. The Accommodation Manager's decision is final.
  - The student will be notified in writing of the Accommodation Manager's decision togetherwith the reasons for their decision within 10 working

days of the decision being made.

## 6. Disciplinary Route B

### 6.1 Examples of misconduct referred to Disciplinary Route B

- The circumstances and context of each case will be taken into account when determining which disciplinary route will be taken. The following list provides examples of incidents that may be classified as misconduct that may follow this Route. The list is illustrative and is not exhaustive:
  - a) Multiple or repeated incidents of minor misconduct
  - b) Causing significant damage to property or inappropriate use of University facilities such as IT
  - c) Physical misconduct including physical violence
  - d) Sexual misconduct including indecent behaviour, sexual harassment and sexual violence
  - e) Threatening, offensive, indecent, intimidating, bullying, harassing, abusive conduct, or conduct otherwise detrimental to the wellbeing of others
  - f) Conduct causing significant injury to the academic or administrative activities of the University; for example, disruption of teaching, of research, of examinations, of the working of staff or other campus services
  - g) Behaviour that would compromise the University's integrity. This includes (but is not limited to) attempted influence or bribery of any description in order to gain a financial, academic or other advantage.
  - h) Conduct which causes a nuisance (whether or not causing damage) and is detrimental to the good order or reputation of the University; for example, unreasonable or inappropriate behaviour when acting as a member of a club or society, unreasonable or inappropriate behaviour when participating in a field trip
  - i) Theft, fraud or deliberate falsification or misuse of records, including Degree, Diploma, or Certificate parchments
  - j) False pretences or impersonation of others in connection with academic attainments or financial award
  - k) Failure to disclose a criminal conviction when required to do so by the University or course accrediting body or regulator for example, at application stage
  - l) Conduct of a kind which contravenes the principles set out in the University's health and safety and wellbeing policies, including showing disregard for one's own health and safety, disregard for the health and safety of others or misusing or interfering with facilities that have a health and safety purpose
  - m) Conduct of a kind which may lead to or has led to conviction under

the criminal law

- n) Possession or supply of controlled drugs
- o) Malicious or vexatious allegations against another student or staff
- p) Behaviour that has or could cause serious damage to the reputation of the University
- q) Persistent refusal to comply with a sanction imposed in relation to an act of misconduct or to keep people safe
- r) Professional misconduct
- s) Misconduct within a University sports team or society that is not investigated under Edge Hill Sport's Code of Conduct

## 6.2 Procedure

- All Route B cases are referred to and managed by the Student Casework Team.
- The Student Casework Team's Professional Investigator will examine the available evidence and decide on one of the following outcomes:
  - a. Accept the case under Route B
  - b. Request or undertake further enquiries before sending the Letter of Notification
  - c. Refer the case back to the Accommodation Manager for Route A investigation.
- The student will be given an opportunity to provide any evidence in support of their case or any evidence in relation to mitigating circumstances in writing within 10 workingdays of the Letter of Notification being sent.
- The Professional Investigator will invite the student to either admit the alleged misconduct (and make any representations about the action that the University should take) or to deny the alleged misconduct.
- The student will be given an opportunity to meet with the Professional Investigator to put forward their case. The student may be accompanied by another student or an advisor from the Students' Union but the student is expected to make their own representations.
- The student may be required to attend a meeting with the Professional Investigator. The student may be accompanied by another student or an advisor from the Students' Union, but the student is expected to make their own representations. Where a student is required to attend a meeting then the student will be given 10 working days' notice of the meeting date.

- The student will be notified in writing as soon as reasonably practicable if there is any variation of the allegation(s) at any stage.
- The Professional Investigator will review all the evidence provided and decide one of the following outcomes:
  - a. To take no further action
  - b. To impose a sanction which is appropriate and proportionate in the circumstances
  - c. To refer the case to a student disciplinary panel
- If the alleged misconduct is admitted in full by the student, the Professional Investigator will determine whether it is appropriate to impose a sanction(s) on the student and, if so, decide which sanction(s) should be imposed.
- If the alleged misconduct is not admitted by the student, the Professional Investigator will decide if there is sufficient evidence to establish on the balance of probabilities (it is more likely than not) that misconduct has occurred and will determine whether it is appropriate to impose a sanction(s) on the student and, if so, decide which sanction(s) should be imposed.
- The student will be notified in writing of the Professional Investigator's decision and details of any sanctions being imposed together with the reasons for the decision and of the right to appeal that decision within 10 working days of the decision being made ('Outcome Letter').
- The student will be notified of any change in the disciplinary route as soon as reasonably practicable.
- The Professional Investigator, in consultation with an appropriate senior manager, may decide that the matter needs to be referred to the Student Disciplinary Panel, in which case the student will be provided with details of the next steps.
- The Professional Investigator has discretion to vary the procedure set out above if they decide that it is fair to do so.

### **6.3 Sanctions**

- The circumstances and context of each case will be taken into account when determining whether a sanction(s) should be imposed and if so, which sanction(s) should be imposed and, where relevant, the timeframe for compliance. The following list provides examples of sanctions that may be imposed. The list is illustrative and is not exhaustive.
  - a) A decision to take no further action in respect of the misconduct
  - b) A written apology to any person or persons affected by the incident
  - c) A requirement for the student to make good, at his/her expense, in whole or part, any damage to property caused by him or her whether alone or with others
  - d) Compulsory attendance at an appropriate workshop, course and/or counselling session
  - e) Referral to [Student Wellbeing](#)
  - f) A requirement for the student to undertake a specified number of hours of service for the benefit of the complainant, the University or the local community
  - g) The provision of a formal written warning to the student setting out the consequences of any further acts of misconduct
  - h) Inclusion of the student's details on the Do Not House List, which means the student cannot live in the University's halls of residence
  - i) The payment of a fine; such a fine will not normally exceed £1,000. Fines paid by students under these regulations are used to support students through the Student Support Fund
  - j) An extension of a previous sanction
  - k) Relocation of student to a different room on campus
  - l) Termination of the student's Residential Contract
  - m) Imposition of a curfew or the prohibition of a student from attendance at a specified place for a specified time
  - n) Referral to a student disciplinary panel
  - o) Referral to fitness to practise proceedings where appropriate
  
- The Professional Investigator may take previous acts of misconduct by the student into account when determining which sanction is most appropriate.
  
- We prioritise the wellbeing and safety of all parties involved in the disciplinary process and ensure compliance with current UK data protection legislation. This means we may not be able (or permitted) to fully disclose the details of an investigation outcome.
  
- In some cases we may need to share the reporting student's statement as part of the investigation. Where this happens, we will adhere to the guidance from the Information Commissioner's Office (ICO) and UK data



protection legislation

- *Communicating with the reporting student*
  - If a case is concluded at this point in the procedures we will inform the reporting student that the matter has been dealt with in line with University policy and procedures
  - If a case is escalated from this point in the procedures, we will contact the reporting student and advise them of the next steps.

#### **6.4 Appeal**

- The following are the only grounds of appeal which will be considered:
  - a) There was a material procedural irregularity which may have affected the outcome
  - b) There is evidence which was not considered by the Professional Investigator which may have affected the outcome and which the student could not reasonably have been expected to have submitted at the time
  - c) The decision is not one which, given the evidence, could be reasonably sustained.
- If the student wishes to appeal the sanction imposed by the Professional Investigator they must notify the Head of Student Casework in writing within 10 working days of the date of the Outcome Letter completing the Disciplinary Appeal Form that sets out the grounds for appeal.
- An appropriate senior manager will review the student's grounds for appeal and decide if there is a real prospect of success or if there is some other compelling reason why the appeal should be considered.
- The Head of Student Casework will contact the student and confirm whether the appeal will proceed or whether it will not progress. For non-progression, the reasons for the decision will be set out by the Head of Student Casework.
- Should the appeal progress, the Professional Investigator shall be provided with a copy of the student's appeal and given an opportunity to respond (which may include the provision of documents). A copy of the Professional Investigator's response (if any) will be provided to the student by the Head of Student Casework.
- The student's written appeal and the Professional Investigator's response (if any) will be considered by an appropriate senior manager and their decision will be based upon the papers. The senior manager

may:

- a) uphold the decision of the Professional Investigator or
  - b) set aside the decision of the Professional Investigator and substitute their own decision.
- The senior manager has the discretion to make a decision and/or impose a sanction that is more or less serious than that imposed by the Professional Investigator. The senior manager's decision is final.
  - The student will be notified in writing of the senior manager's decision together with the reasons for their decision within 10 working days of the decision being made

## **6.5 Student Disciplinary Panel**

- As detailed in clause 6.2, the Professional Investigator may decide that the matter needs to be referred to a Student Disciplinary Panel. In such cases the student will be provided with details of the next steps.
- The Student Disciplinary Panel shall consist of one member from each of the following three groups who has not previously been involved in the disciplinary process:
  - a) A senior manager of the University staff (as Chair)
  - b) One senior member of academic staff
  - c) An elected full-time officer of the Students' Union (nominated by the President of the Students' Union)
- The Head of Student Casework will appoint a person to act as secretary to the Student Disciplinary Panel ('the Secretary'). The Secretary will make arrangements for attendance of the participants of the hearing and will make a note of the hearing.
- The Student Disciplinary Panel shall be convened, and the student shall be notified in writing of the arrangements for the Panel hearing not less than 10 working days before the date of the hearing. The Student Disciplinary Panel shall meet within 28 days of referral or as soon as is reasonably practicable.
- The University will endeavour to take account of the student's personal circumstances in fixing a date and time for the Student Disciplinary Panel hearing. However, the student will be expected to make themselves available to attend the hearing on any day and at any time at which they

might reasonably have been expected to be in attendance at the University.

- The Student Disciplinary Panel may proceed with the hearing and make a determination in the absence of the student if it is satisfied that the student has been properly notified of the date and time of the hearing or in cases where criminal proceedings against the student do not allow the student to attend in person.
- The Professional Investigator will present the case on behalf of the University.
- The student may be accompanied by another student, a member of staff, a member of their family or an advisor from the Students' Union but the student is expected to make their own representations. The student must inform the Head of Student Casework of the identity of any such person not less than five working days before the hearing.
- Not less than five working days before the hearing, the Secretary shall provide the student with a copy of all documentation that the Professional Investigator intends to rely upon at the hearing and shall be informed of the name of any witnesses that the Professional Investigator has arranged to give evidence at the hearing.
- Not less than five working days before the hearing, the student shall provide the Secretary with a copy of all documentation that they intend to rely upon at the hearing and shall inform the Secretary of the name of any witnesses that they have arranged to give evidence at the hearing. The student is responsible for contacting any witnesses they wish to give evidence on their behalf and for arranging those witnesses to attend the hearing.
- Where the Chair deems that there are special circumstances which require shorter or longer timescales, the Chair may vary the timescale and explain the reasons for the variation to the student and the Professional Investigator in writing as soon as reasonably practicable.
- Neither the University nor the student may compel or put a witness under duress to provide a statement or attend the hearing.
- The Student Disciplinary Panel may identify witnesses that it would like to hear from and/or documentation that it would like to see. If the Professional Investigator and/or student have not arranged for those

witnesses to attend the hearing and/or provided the required documentation then the Student Disciplinary Panel may ask one or both of the parties to provide certain information and/or evidence or may seek to obtain that information and/or evidence itself. Any additional information or evidence obtained by the Student Disciplinary Panel shall be disclosed to the student and the Professional Investigator as soon as reasonably practicable.

- The Chair of the Student Disciplinary Panel has the discretion to adjourn, postpone or halt a hearing.
- The hearing shall be held in private.
- The hearing will usually proceed as follows:
  - a) The Student Disciplinary Panel and Secretary will meet without either party being present to discuss matters of process.
  - b) The student and Professional Investigator will join the hearing.
  - c) The Professional Investigator will outline the University's case. The student and the Student Disciplinary Panel will be given an opportunity to ask the Professional Investigator questions.
  - d) The student will respond to the University's case. The Professional Investigator and the Student Disciplinary Panel will be given an opportunity to ask the student questions.
  - e) The Professional Investigator will be asked to call any witnesses that the University wishes to rely upon (this includes the reporting student) and may ask each witness questions. The student and the Student Disciplinary Panel will be given an opportunity to ask each witness questions.
  - f) The student will be asked to call any witnesses that they wish to rely upon and may ask each witness questions. The Professional Investigator and the Student Disciplinary Panel will be given an opportunity to ask each witness questions.
  - g) Both parties and all witnesses shall withdraw whilst the Student Disciplinary Panel considers the evidence.
  - h) Both parties will be invited to return to respond to any final questions from the Student Disciplinary Panel, then the Professional Investigator will be invited to make a closing statement and the student will be invited to make a closing statement.
  - i) The Student Disciplinary Panel will decide if there is sufficient evidence to establish on the balance of probabilities (it is more likely than not) that misconduct occurred and will determine whether it is appropriate to impose a sanction(s) on the student and, if so, decide which sanction(s) should be imposed.

- j) Decisions of the Student Disciplinary Panel shall be reached by a simple majority vote of the members.
  - k) The student will be notified in writing of the Student Disciplinary Panel's decision and details of any sanctions being imposed together with the reasons for the decision and of the right to appeal within 10 working days of the hearing ('Outcome Letter').
- The Chair of the Student Disciplinary Panel has discretion to determine how the hearing shall be conducted and so the procedure set out above may be varied if they decide that it is fair to do so. Any individual involved in the process may request a variation of the procedure by writing to the Chair setting out the variation sought and the reasons why the variation is required. The Chair will decide whether any such variation will be permitted and provide a written response as soon as practicable.

## 6.6 Sanctions

- The circumstances and context of each case will be taken into account when determining whether a sanction(s) should be imposed and if so, which sanction(s) should be imposed and, where relevant, the timeframe for compliance. The Student Disciplinary Panel may impose a sanction(s) set out in paragraph 5.3 if it decides that the misconduct is minor. Examples of sanctions that may be imposed by the Student Disciplinary Panel for major misconduct are as follows. The list is illustrative and is not exhaustive:
  - a) A decision to take no further action in respect of the act of misconduct
  - b) A written apology to any person or persons affected by the incident.
  - c) A requirement for the student to make good at their expense, in whole or part, any damage to property caused by him or her whether alone or with others.
  - d) Compulsory attendance at an appropriate workshop, course and/or one to one sessions.
  - e) Referral to [Student Wellbeing](#)
  - f) Requirement for the student to undertake a specified number of hours of service for the benefit of the complainant, the University or the local community
  - g) The payment of a fine; such a fine will not normally exceed £1,000. Fines paid by students under these regulations are used to support students through the Student Support Fund.
  - h) Inclusion on the do not house list. This means the student cannot live in the University's halls of residence.
  - i) The provision of a formal written warning to the student setting out the consequences of any further acts of misconduct.
  - j) Termination of the student's Residential Contract.

- k) A recommendation to the Vice-Chancellor or their nominee that they exclude the student for a specified period of time from academic activities and/or their course of studies and/or from all or parts of the University facilities, grounds or premises.
  - l) A recommendation to the Vice-Chancellor or their nominee that they permanently exclude the student from the University.
- The Student Disciplinary Panel may take previous acts of misconduct by the student into account when determining which sanction(s) is most appropriate.
- The Student Disciplinary Panel may determine, at its discretion, that a sanction may be suspended against the student's future good behaviour for a period to be determined by the Student Disciplinary Panel (the "Good Behaviour Period"). If no further misconduct is committed during the Good Behaviour Period, the suspended sanction will not be brought into effect. If there is further misconduct, the Student Disciplinary Panel may impose an additional sanction(s) for the subsequent misconduct as well as deciding that the suspended sanction is brought into effect.
- If the student fails to comply in whole or in part with any decision of the Student Disciplinary Panel, the non-compliance may be referred back to a Student Disciplinary Panel and may be treated as a further incident of misconduct. The Student Disciplinary Panel is entitled to change the sanction(s) that had been imposed on the student in a further hearing.
- We prioritise the wellbeing and safety of all parties involved in the disciplinary process and ensure compliance with current UK data protection legislation. This means we may not be able (or permitted) to fully disclose the details of an investigation outcome.
- *Communicating with the reporting student*
  - The University will inform the reporting student when the disciplinary process has been completed. We will provide enough detail to reassure them that the matter has been dealt with appropriately and in line with University policies and procedures.
  - If the reporting student is dissatisfied with the outcome of the disciplinary process, they should contact the [Student Casework team](#) who will inform them of what steps they can take

## 6.7 Appeal

- The following are the only grounds of appeal which will be considered:
  - a) There was a material procedural irregularity which may have

- affected the outcome
  - b) There is evidence which was not considered by the Student Disciplinary Panel which may have affected the outcome and which the student could not reasonably have been expected to have submitted at the time of the hearing
  - c) The decision is not one which, given the evidence, could be reasonably sustained.
- If the student wishes to appeal the decision of the Student Disciplinary Panel they must notify the Head of Student Casework in writing within 10 working days of the date of written notification of the Student Disciplinary Panel's decision completing the Disciplinary Appeal Form setting out the grounds for appeal.
- A member of the Vice-Chancellor's Directorate Group who has not had any previous involvement with the case will review the written appeal and decide if it has a real prospect of success or if there is some other compelling reason why the appeal should be considered. If the member of the Vice-Chancellor's Directorate Group decides that the appeal has a real prospect of success or that there is some other compelling reason why the appeal should be considered, then it can either:
  - a) be referred back to the original Student Disciplinary Panel when the only ground of appeal is 'that there is evidence which was not considered by the Student Disciplinary Panel which may have affected the outcome and which the student could not reasonably have been expected to have submitted at the time of the hearing', or
  - b) be referred to a Student Disciplinary Appeal Committee.
- If the member of Vice-Chancellor's Directorate Group decides that the appeal has no real prospect of success or that there is no other compelling reason why the appeal should be considered, then the decision of the Student Disciplinary Panel will stand.
- The student shall be notified in writing of the decision together with the reasons for the decision within 10 working days of the decision being made.

#### *Student Disciplinary Appeal Committee*

- The Student Disciplinary Appeal Committee shall consist of one member from each of the following groups who has not previously been involved in the disciplinary process:
  - a) One member of the Board of Governors (as Chair) who is not a staff or student Governor

- b) The Deputy Vice-Chancellor or a member of the Vice-Chancellor's Directorate Group
  - c) A senior manager of the University staff
  - d) An elected full-time officer of the Students' Union (nominated by the President of the Students' Union).
- The Head of Student Casework will appoint a person to act as secretary to the Student Disciplinary Appeal Committee ('the Appeals Secretary'). The Appeals Secretary will make a note of the meeting.
- The Student Disciplinary Appeal Committee will meet within 28 days of the referral or as soon as is reasonably practicable.
- The Chair of the original Disciplinary Panel will be provided with a copy of the student's appeal and given an opportunity to respond (which may include the provision of documents).
- Not less than 10 working days before the meeting of the Student Disciplinary Appeal Committee, the student will be provided with a copy of all documentation that the Chair of the original Disciplinary Panel has submitted to the Student Disciplinary Appeal Committee.
- Not less than five working days before the meeting of the Student Disciplinary Appeal Committee, the student will provide the Head of Student Casework with a copy of any reply they wish to make to the information and documentation provided.
- Where the Chair deems that there are special circumstances which require a shorter or longer timescale than those set out, the Chair may vary the timescales and explain the reasons for the variation to the student in writing as soon as reasonably practicable.
- The Student Disciplinary Appeal Committee will usually carry out a review of the case based on the papers and will not re-hear the case. However, the Chair of the Student Disciplinary Appeal Committee has the discretion to re-hear the case if they decide that a re-hearing is appropriate. If so, the Chair will determine how the hearing shall be conducted.
- Decisions of the Student Disciplinary Appeal Committee shall be reached by a simple majority vote of the members.
- The Student Disciplinary Appeal Committee may:



- a) confirm, set aside, or vary any finding of misconduct by the Student Disciplinary Panel, and/or
  - b) confirm, set aside, increase, decrease or vary any sanction(s) imposed by the Student Disciplinary Panel.
- The decision of the Student Disciplinary Appeal Committee together with the reasons for the decision will usually be communicated in writing to the student by the Student Disciplinary Appeal Committee within 10 working days of the decision being made.
  - The decision of the Student Disciplinary Appeal Committee shall be final, and a Completion of Procedures Letter will be issued confirming to the student that the University's procedure has been completed.
  - We prioritise the wellbeing and safety of all parties involved in the disciplinary process and ensure compliance with current UK data protection legislation. This means we may not be able (or permitted) to fully disclose the details of the appeal committee outcome.
  - *Communicating with the reporting student*
    - The University will inform the reporting student when the disciplinary process has been completed. We will provide enough detail to reassure them that the matter has been dealt with appropriately and in line with University policies and procedures.
    - In certain circumstances, the University may assess the situation and offer the student a further remedy in relation to the above
    - If the reporting student is dissatisfied with the outcome of the disciplinary process, they should contact the [Student Casework team](#) who will inform them of what steps they can take

## 7. Cases subject to criminal investigation

- 7.1** Where a criminal investigation is being undertaken in relation to an incident, the University may suspend the disciplinary process (at any stage) until the criminal investigation and any legal proceedings have been concluded.
- 7.2** A conviction in a criminal court will be taken as conclusive evidence that the offence has occurred, and no further investigation of the facts will be required. The University may still take action under these Regulations and/or may refer the case to its Committee on Criminal Convictions.
- 7.3** Where a decision is taken by the police or Crown Prosecution Service not to

pursue a criminal case against the student or where the student has been acquitted of a criminal offence, the University will consider the student's behaviour under these Regulations and may still take disciplinary action.

## 8. The Office of the Independent Adjudicator (OIA)

- 8.1** Students who have exhausted the University's internal procedures will be issued with a Completion of Procedures letter and informed that they may make a complaint to the OIA. The OIA's website ([www.oiahe.org.uk](http://www.oiahe.org.uk)) contains full details of the scheme and students should seek advice from the Students' Union Advice Centre.

## Key to Relevant Documents

## Annexes

## Endmatter

Title	Student Disciplinary Regulations
Policy Owner	Director of Governance and Assurance
Policy Manager	Head of Student Casework
Approved by	Learning & Teaching Committee
Date of Approval	
Date for Review	June 2024