

## STUDENT BEHAVIOUR AND DISCIPLINARY PROCEDURES

Yellow highlighted text identifies the most recent revisions to the regulations. If you require these revisions to be identified in an alternative format, please contact the Secretary to Academic Board.

### 1. INTRODUCTION AND SCOPE

- 1.1 As a community of individuals with different values, beliefs and aspirations, students of the University have a responsibility to ensure their behaviour does not negatively impact on others, and that they act as good ambassadors for themselves and the University which they represent.
- 1.2 Each student of the University has agreed to abide by the terms of the Student Charter which set out some overarching expectations of behaviour. This procedure sets out in more detail the types of behaviour that the University will consider as misconduct, and how the University will deal with it. The procedure forms part of the student's contract with the University and as such is a legally enforceable document.
- 1.3 The University expects the highest standards of conduct from its students, whether on or off campus. **This procedure therefore** applies to behaviour on University premises, out in the wider community, or online. The University will have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed.
- 1.4 **This procedure applies to all students of the University of Worcester.** Students studying at a Partner Organisation will also be subject to the disciplinary regulations of that organisation.
- 1.5 This procedure sits alongside, and does not replace or overrule, other regulations and policies of the University which relate to student behaviour including those relating to academic misconduct, fitness to practise and student health and wellbeing. Through the procedures set out below the University will determine which regulations and policies will apply in any individual circumstance. In some circumstances, more than one set of policies and regulations may apply.
- 1.6 The Students' Union operates separate disciplinary rules to which its members are also subject.

### 2. GENERAL PROCEDURAL PRINCIPLES

#### Reporting

- 2.1 **An allegation of misconduct against a student can be reported by another student, a member of University staff, or a person external to the University. An allegation of misconduct may be reported to any member of staff in the course of their duties who should then pass on the report to their Head of School or Service who will thereafter follow these procedures.**

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- 2.2 The University will not usually investigate anonymous allegations. If a complainant has legitimate concerns about their identity being disclosed as part of a disciplinary investigation they should make those concerns known in the process of reporting the misconduct allegation, so that the University can consider whether appropriate steps can be taken to safeguard the rights of the complainant as well as the student(s) against which allegations are being made.
- 2.3 An allegation of misconduct relating to behaviour by a group of students may be reported as a single complaint, through the channels set out at paragraph 2.1. However, consistent with the students' rights to confidentiality and a fair process, the University will ensure that the situation of each student is investigated and determined on its own merits and that each student is entitled to attend individual disciplinary interviews and hearings. Where fairness permits, some aspects of the disciplinary process may be brought together, for example, all disciplinary investigations may be conducted by one appointed officer, and all disciplinary hearings may be chaired by one appointed officer.

### Responsibilities

- 2.4 In accordance with the Instrument and Articles of Government of the University, the Vice Chancellor is ultimately responsible for student discipline and ~~he or she~~ is the only person within the University with the authority to suspend or to expel a student.
- 2.5 In all cases where a person has responsibility under this procedure for any action, **they** may appoint a designate in **their** place, except in the cases of a decision to suspend or expel, which only the Vice Chancellor may determine.
- 2.6 Any person undertaking a decision-making function on behalf of the University under this procedure must only do so if they are capable of fulfilling their responsibilities impartially and without bias or predetermination.

### Fairness and co-operation

- 2.7 These procedures are not intended to be operated in a judicial or adversarial way. A student will be presumed innocent of any allegation until proven otherwise on the balance of probabilities. Any penalty imposed under this procedure will be proportionate to the offence committed.
- 2.8 The student is expected to take responsibility for maintaining contact with nominated members of University staff during any disciplinary process and promptly notifying of any changes in circumstances or difficulties in participating in the disciplinary process. Students will be written to at their University email addresses, unless they have expressly asked for correspondence to be sent to **an alternative email or** postal address.
- 2.9 The University does not permit the recording of meetings. Notes will be taken of any formal meetings held under this procedure and will be provided to the student on request. A note taker may be present at any such meetings.
- 2.10 Where specific timescales are not set out in this procedure, the University and the student

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will both ensure that all actions are taken as quickly as reasonably practicable, taking account of all relevant circumstances.

- 2.11 Where a student fails to attend a disciplinary interview or provide their response to an allegation of misconduct when requested to do so by the University, this may itself lead to further disciplinary proceedings. When the subject of an allegation refuses to engage despite the reasonable attempts of the University, the case may be concluded in their absence and reasonable inference may be drawn from non-engagement. For cases where a student withdraws from the University whilst a disciplinary investigation is ongoing, the disciplinary case will normally be concluded in the student's absence.

### Support

- 2.12 The student has the right to be accompanied by a representative, who is not acting in a legal capacity, at any meeting arranged to discuss the matter. The representative must be a member of the University, i.e.:
- a) a registered student;
  - b) a member of staff;
  - c) a member of staff or Sabbatical Officer of the Students Union;
  - d) where a case has been referred to this procedure under the Prevention of Sexual Harassment and Sexual Misconduct Policy the student will be supported by a member of staff assigned to them under that Policy.
- 2.13 The role of the representative will be to support and advise the student and to help them to present their case.
- 2.14 If the University considers that the student who is subject to a disciplinary process has mental health needs, the University will refer the student for support from Student Services, while continuing with the disciplinary process. The University will make reasonable adjustments to the disciplinary process if required for a student who has a disability.

### Impact on fees

- 2.15 No refund of tuition fees will be given where a student has been excluded or suspended under this procedure. A partial refund of accommodation fees already paid may be possible, at the reasonable discretion of the University, depending on when in the academic year the accommodation is vacated by the student and only if the University has been able to re-let the student's accommodation following their withdrawal. It is the student's responsibility to inform themselves about the potential impact of an exclusion or suspension on any financial assistance which they may receive.

### Confidentiality and record keeping

- 2.16 All University staff and students involved in any student disciplinary process have a duty to the student to limit disclosure of information to those who need to know. The student who is the subject of the allegations also has an obligation to maintain confidentiality of information which is the subject of the investigation, where other students or staff are involved either as alleged perpetrators or alleged victims. Where a student does not maintain this confidentiality this may itself be dealt with under these procedures.

- 2.17 Records of student disciplinary processes and outcomes will be kept securely by Registry Services and the Office of the Pro Vice Chancellor Students in accordance with the University's records management policies. A disciplinary outcome will remain on a student's file for the duration of their studies. Copies of relevant information will be shared with other members of University staff, the Students' Union or external parties as appropriate, on a strictly need-to-know basis. The University may in its reasonable discretion decide to refer to a student's disciplinary record in response to a request for a reference but will take into consideration all relevant information including the seriousness of the disciplinary record, the nature of the position which is the subject of the reference request and the passage of time that has elapsed since the disciplinary outcome was recorded on the student's file.
- 2.18 The University will share information about a student disciplinary matter with third parties, including for example, the Students' Union, the Student Loans Company or the police, where the third party has a legitimate interest in the matter.

### **Witnesses**

- 2.19 The purpose of calling witnesses is to show whether or not there is an evidential basis for the allegation(s) which have been made. The use of witnesses should be proportionate to the nature of the alleged misconduct. Neither the University nor the student against whom a disciplinary allegation has been made can compel any other person to participate in a student disciplinary process. If there are genuine concerns about the identity of a witness being revealed through the disciplinary process then before deciding whether to allow anonymous evidence to be used in a disciplinary investigation or disciplinary hearing, the University will carefully consider the credibility of that evidence and whether there are sufficient safeguards in place to make the process fair to all affected parties.

### **3. CATEGORIES OF MISCONDUCT**

- 3.1 Misconduct under this procedure is improper interference, in the broadest sense, with the proper functioning or activities of the University of Worcester, or those who work and study within the University, or action which otherwise damages the University including damage to its reputation. Below are examples of misconduct and how the University will normally categorise them under this procedure. The examples are indicative only and are not an exhaustive list.

#### **Minor Misconduct**

- 3.2 Minor Misconduct is considered to be behaviour of a type which is not serious enough to constitute Gross Misconduct under this procedure. Examples of Minor Misconduct are given below and can include behaviour committed in a virtual environment (for example, social media) as well as in person:
- a) Anti-social behaviours at University premises or in the community which causes disturbance, upset or distress to other individuals
  - b) Damage to property (including University property) without malicious intent
  - c) Minor breach of University regulations, policies or procedures
  - d) Failure to follow the reasonable instructions or requests of University

- representatives in the best interests of the student or other individuals
- e) Disruption to the academic or social life of other students
- f) Insulting or abusive behaviour towards other individuals, including University staff, which is not discrimination within the meaning of the Equality Act 2010 and is not otherwise criminal behaviour
- g) Distribution or publishing any recording to which they have access to for the purposes of personal academic study
- h) Behaviour that is in breach of health and safety guidance and/or that puts others at risk, including irresponsible behaviour in regard to water and/or fire safety

### **Gross Misconduct**

3.3 Any behaviour may be capable of constituting Gross Misconduct if it is sufficiently serious and causes the University to lose trust and confidence in the student's ability to fulfil their obligations under the Student Charter or otherwise behave as a safe and responsible member of the University community. Examples of Gross Misconduct are given below and can include behaviour committed in a virtual environment (for example, social media) as well as in person:

- a) Physical or sexual assault
- b) Serious threatening, offensive or indecent behaviour or language
- c) Serious or persistent acts of intimidation, bullying or harassment
- d) Discriminatory treatment of other individuals within the meaning of the Equality Act 2010
- e) Conduct which constitutes a criminal offence where that behaviour would also be an offence of Gross Misconduct under this procedure
- f) Serious infringement of University regulations relating to University premises or action likely to put the safety or wellbeing of others at risk
- g) Serious infringement of University regulations relating to University facilities including IT facilities
- h) Theft, fraud or deliberate falsification of records
- i) Causing material damage to property (including University property) with malicious intent
- j) Unlawful possession of substances or unlawful intent to supply substances
- k) Unlawful possession of an offensive weapon or firearm
- l) Actions which are likely to have a serious impact on the University's reputation or disrupt the normal operations of the University
- m) Actions which attempt to prevent others from exercising their rights of freedom of speech and freedom of expression
- n) Failure to disclose important relevant information to the University as required by University regulations or the normal operations of the University
- o) Multiple or repeated acts of minor misconduct
- p) Refusal to participate in a disciplinary process or pay a fine or observe another penalty imposed following a disciplinary hearing

## 4. MISCONDUCT PROCEDURE

### Informal stage

- 4.1 Where appropriate, the University expects that allegations of minor misconduct will be dealt with informally, through discussion with the student. A Head of School (or nominee) or Head of Service (or nominee) may reprimand the student verbally and provide advice and guidance to the student on improving their behaviour. The University manager issuing the reprimand should make a note of the outcome of the informal action and share it with the student. Informal action should not be recorded as disciplinary action on the student's record.
- 4.2 Allegations of gross misconduct as defined in these procedures will never be dealt with informally and will be referred immediately to Stage 3 – hearing by the Pro Vice Chancellor Students.

### Stage 1 – Hearing by the Student Behaviour Review Board

- 4.3 Where an informal resolution is not possible or not appropriate or a behaviour is repeated, allegations of minor misconduct will be referred in the first instance to the Student Behaviour Review Board (SBRB).
- 4.4 The SBRB is comprised of:
- Head of Security and Operations
  - Assistant Director of Student Life
  - Head of Hospitality
  - Head of Academic Department (or nominee) where the misconduct relates to an academic matter or takes place in an academic context (such as a lecture or seminar)
- 4.5 It will meet regularly to investigate allegations of minor misconduct. It will consider evidence relating to alleged misconduct in written form but may also request that the student(s) who are alleged to have committed minor misconduct attend in person and that any witnesses attend in person.
- 4.6 Students who are asked to attend a meeting of SBRB will be contacted by email at their University email address, a minimum of 48 hours before the meeting. If a student is unable to attend because of an academic or other commitment, they are required to notify SBRB by emailing [sbrb@worc.ac.uk](mailto:sbrb@worc.ac.uk). If a student is unable to attend they may submit a written statement to the SBRB.
- 4.7 The SBRB may take one or more of the following courses of action:
- a) Dismiss the allegations with no further action
  - b) Find that minor misconduct has taken place and issue sanctions as set out in Appendix 1
  - c) Refer the matter to the University Police Community Support Officers
  - d) Escalate the matter to Stage 2
- 4.8 Students will be notified in writing within 10 working days of the outcome of the meeting.

### Procedures for Review of the Stage 1 Decision

4.9 A student may request a review of a finding of SBRB by writing to their Head of School within 10 working days of receiving the disciplinary outcome letter, using the pro-forma, and stating one of the following grounds:

- a) There is evidence of a procedural irregularity in the conduct of the SBRB
- b) There is evidence of bias, or failure to reach a reasonable decision
- c) Evidence of further material circumstances which **could not** reasonably have been expected to have been submitted for consideration by the SBRB
- d) There is evidence that the penalty imposed was inconsistent with the nature of the offence and penalties described in these procedures.

4.10 The Head of School or their nominee will consider whether there are, on the face of the evidence, clear grounds for a review, and if so, they will invite the student to a hearing unless they consider that the matter can be fairly considered without the need for a hearing and the student consents to the matter being considered without a hearing.

4.11 The Head of School or their nominee will conduct the hearing as they see fit, having regard to the principles set out in this procedure and the general requirements of fairness. The hearing will be confined to a review of the process followed and outcome of the disciplinary hearing, unless the Head of School is satisfied that in the interests of fairness and natural justice it is necessary to conduct an entire re-hearing of the case. An appropriate University Officer may be invited to attend the hearing, as well as any witnesses which the Head of School considers are necessary in order to ensure a fair and reasonable hearing is conducted.

4.12 The Head of School or their nominee may decide to uphold or dismiss the review. In exceptional cases, for example where new information has come to light, the Head of School or their nominee may substitute the original sanction for a different sanction, which could be at lower, or more severe, level. The decision will be communicated in writing to the student no later than 10 working days after the hearing.

### Stage 2 – Hearing by the Head of School

4.13 Where an allegation of minor misconduct is escalated to Stage 2 by the SBRB, it will normally be considered by the relevant Head of School (or nominee) in which the student is studying (and in the case of joint honours students, by one Head of School), unless the Pro Vice Chancellor Students nominates another member of University staff.

4.14 The Head of School will ensure that a fair and balanced picture of the relevant information has been obtained prior to deciding whether to call the student to a disciplinary hearing. If they consider it necessary, the Head of School will appoint an investigating officer to produce an investigation report. The investigating officer's purpose is to promptly obtain and report on information which supports or does not support the allegation and suggests whether or not there is a disciplinary case to answer. The student will normally be interviewed as part of the investigating officer's enquiries.

4.15 If the Head of School decides there is no disciplinary case to answer, they will write to the student within 10 working days to inform them of the fact that no further action is to be taken.

- 4.16 If the Head of School decides there is a disciplinary case to answer, they will write to the student giving at least 10 working days' notice of the date and time. The letter will set out the allegation(s) and remind the student of their rights to support under this procedure, and their right to call witnesses which are relevant to the allegation. Copies of any written material (including an investigation report, if one has been produced) will be provided to the student in advance of the hearing. The student will be asked to provide, no later than 3 working days before the hearing, details of any information or witnesses which they wish to bring to the hearing.
- 4.17 On receipt of the notice of the hearing, the student may request that the matter is dealt with by the Head of School without a hearing, that is, on the basis of the written information which has been presented.
- 4.18 The Head of School will conduct the hearing as they see fit, having regard to the principles set out in this procedure and general requirements of fairness. The Head of School will have the discretion to consider requests for adjournment or further information to be provided. The student will be entitled to give their response to the allegation and will be asked questions by the Head of School. If witnesses and/or an investigating officer are attending the Head of School will manage the order in which those witnesses give evidence and attend for part of the hearing. The student will be able to ask questions of any person who attends the hearing.
- 4.19 The Head of School will make a decision, on the balance of probabilities and having considered all relevant evidence, as to whether the allegations should be upheld, and if they are upheld, what the appropriate sanction should be, taking account of the student's circumstances and any mitigation. The Head of School may also make the decision to escalate the matter to Stage 3.
- 4.20 Sanctions may include one or more of the following:
- a) A written warning to be placed on the student's record for the maximum duration of their studies or a shorter period as the University may decide
  - b) A behavioural contract or undertakings from the student relating to their behaviour
  - c) A suspended fine not exceeding £200 (in the case of a suspended fine the University will advise the student of the circumstances in which the fine would become payable)
  - d) A fine not exceeding £200
  - e) Compulsory attendance at an appropriate workshop
  - f) Restitution of damage
  - g) Restorative justice, including voluntary work for the University or community
  - h) A requirement to submit a written apology
  - i) Temporary or permanent exclusion from the use of specific University facilities or service
- 4.21 The Head of School will communicate their decision in writing to the student no later than 10 working days after the hearing.

#### **Procedures for Review of the Stage 2 Decision**

- 4.22 A student may request a review of a finding of a Stage 2 Disciplinary Hearing by writing to the Pro Vice Chancellor Students within 10 working days of receiving the disciplinary outcome letter, using the pro-forma, and stating one of the following grounds:

- a) There is evidence of a procedural irregularity in the conduct of the Hearing
- b) There is evidence of bias, or failure to reach a reasonable decision
- c) Evidence of further material circumstances which **could not** reasonably have been expected to have been submitted for consideration by the Head of School
- d) There is evidence that the penalty imposed was inconsistent with the nature of the offence and penalties described in these procedures.

4.23 The Pro Vice Chancellor Students or their nominee will consider whether there are, on the face of the evidence, clear grounds for a review, and if so, they will invite the student to a hearing unless they consider that the matter can be fairly considered without the need for a hearing and the student consents to the matter being considered without a hearing.

4.24 The Pro Vice Chancellor or their nominee will conduct the hearing as they see fit, having regard to the principles set out in this procedure and the general requirements of fairness. The hearing will be confined to a review of the process followed and outcome of the disciplinary hearing, unless the Pro Vice Chancellor is satisfied that in the interests of fairness and natural justice it is necessary to conduct an entire re-hearing of the case. An appropriate University Officer may be invited to attend the hearing, as well as any witnesses which the Pro Vice Chancellor considers are necessary in order to ensure a fair and reasonable hearing is conducted.

4.25 The Pro Vice Chancellor or their nominee may decide to uphold or dismiss the review. In exceptional cases, for example where new information has come to light, the Pro Vice Chancellor or their nominee can substitute the original sanction for a different sanction, which could be at lower, or more severe, level. The decision will be communicated in writing to the student no later than 10 working days after the hearing.

### Stage 3 – Hearing by Pro Vice Chancellor Students

4.26 An allegation of Gross Misconduct will normally be escalated immediately to the Pro Vice Chancellor Students (or nominee).

4.27 The Pro Vice Chancellor Students will ensure that a fair and balanced picture of the relevant information has been obtained prior to calling the student to a hearing. They will appoint an investigating officer to produce an investigation report. Where an allegation has been referred to the Procedure under the Prevention of Sexual Harassment and Sexual Misconduct Policy a specifically trained investigating officer will be appointed. The investigating officer's purpose is to promptly obtain and report on information which supports or does not support the allegation and suggests whether or not there is a disciplinary case to answer. The student will normally be interviewed as part of the investigating officer's enquiries.

4.28 If the Pro Vice Chancellor Students decides there is no disciplinary case to answer, they will write to the student within 10 working days to inform them of the fact that no further action is to be taken.

4.29 If the Pro Vice Chancellor Students decides there is a disciplinary case to answer, they will write to the student inviting them to a hearing, giving at least 10 working days' notice of the date and time. The letter will set out the allegation(s) and remind the student of their rights to support under this procedure, and their right to call witnesses which are relevant to the

allegation. Copies of any written material (including an investigation report, if one has been produced) will be provided to the student in advance of the hearing. The student will be asked to provide, no later than 3 working days before the hearing, details of any information or witnesses which they wish to bring to the hearing.

4.30 The Pro Vice Chancellor Students will conduct the hearing as they see fit, having regard to the principles set out in this procedure and general requirements of fairness. The Pro Vice Chancellor Students will have the discretion to consider requests for adjournment or further information to be provided. The student will be entitled to give their response to the allegation and will be asked questions by the Pro Vice Chancellor Students. If witnesses and/or an investigating officer are attending the Pro Vice Chancellor Students will manage the order in which those witnesses give evidence and attend for part of the hearing. The student will be able to ask questions of any person who attends the hearing. The Pro Vice Chancellor Students may invite an appropriate University Officer to attend the hearing, and/or a suitable member of the senior management staff of the School at which the student is studying.

4.31 The Pro Vice Chancellor Students will make a decision, on the balance of probabilities and having considered all relevant information, as to whether the allegations should be upheld, and if they are upheld, what the appropriate sanctions should be, taking account of the student's circumstances and any mitigation.

4.32 The University may impose any one or more of the following sanctions where a finding of Gross Misconduct has been made:

- a) A final written warning to be placed on the student's record for a period that the University may decide
- b) A behavioural contract or undertakings from the student relating to their behaviour
- c) A suspended fine of not less than £50 but not exceeding £500 (in the case of a suspended fine the University will advise the student of the circumstances in which the fine would become payable)
- d) A fine of not less than £50 but not exceeding £500
- e) Compulsory attendance at an appropriate workshop
- f) Restitution of damage
- g) Restorative justice, including voluntary work for the University or community
- h) A requirement to submit a written apology
- i) Temporary exclusion from the University for a period that the University may decide
- j) Temporary or permanent exclusion from the use of specific University facilities or services
- k) Permanent exclusion from the University

4.33 Where the Pro Vice Chancellor Students awards a sanction in accordance with 4.32 which is a lesser sanction than permanent exclusion, the University reserves the right to seek undertakings from the student and/or attach conditions in respect of the student's continuing studies at the University for the purpose of mitigating the risk of their return to the University, avoiding future misconduct and/or ensuring the student remains focussed on their studies. Failure to adhere to the undertakings or conditions will constitute a further disciplinary offence.

4.34 Where the Pro Vice Chancellor considers that an appropriate sanction would be exclusion, they will recommend that sanction to the Vice Chancellor, and provide the reasons for that

recommendation. The Vice Chancellor will then decide whether to apply that sanction, taking into account all relevant information.

4.35 When the University imposes permanent exclusion from the University, where appropriate, the student will also be required to terminate University owned or managed accommodation licence agreement and ~~require~~ the student will be required to vacate the accommodation permanently within an agreed number of days.

4.36 The Pro Vice Chancellor Students will communicate the decision in writing to the student no later than 10 working days after the hearing.

### **Procedures for Review of the Stage 3 Decision**

4.37 A student may request a review of a finding of Gross Misconduct by writing to the Vice Chancellor within 10 working days of receiving the disciplinary outcome letter, using the pro-forma, and stating one of the following grounds:

- a) There is evidence of a procedural irregularity in the conduct of the Hearing
- b) There is evidence of bias, or failure to reach a reasonable decision
- c) Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration by the Pro Vice-Chancellor Students
- d) There is evidence that the penalty imposed was inconsistent with the nature of the offence and penalties described in these procedures.

4.38 The Vice Chancellor (or nominee) will consider whether there are, on the face of the evidence, clear grounds for a review. If they consider the student has demonstrated that there are grounds, they will arrange for the student to have a hearing before a person, or panel of persons who have not previously been involved in the disciplinary process.

4.39 At least 10 working days' notice of the date and time of the hearing will be given to the student. Copies of any written material will be provided to the student in advance of the hearing and the student will be invited to submit any written material in advance of the hearing.

4.40 The Chair of the hearing will conduct the hearing as they see fit, having regard to the principles set out in this procedure and the general requirements of fairness. The Hearing will be confined to a review of the process followed and outcome of the disciplinary hearing, unless the Chair is satisfied that in the interests of fairness and natural justice it is necessary to conduct an entire re-hearing of the case. An appropriate University Officer may be invited to attend the hearing, as well as any witnesses which the Chair of the Hearing considers are necessary in order to ensure a fair and reasonable hearing is conducted.

4.41 The Chair of the Hearing may decide to uphold or dismiss the review. In exceptional cases, for example where new information has come to light, the Chair of the Hearing can substitute the original sanction for a different sanction, which could be at lower, or more severe, level. The decision will be communicated in writing to the student no later than 10 working days after the hearing.

4.42 Where the decision of the Chair of the Hearing is to uphold the original decision or substitute the original sanction for a different sanction, the letter to the student will draw attention to the individual's right to refer the matter to the Office of the Independent Adjudicator (OIA) and the student will be issued with a Completion of Procedures letter.

## 5. REVIEW OF DECISION BY THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)

5.1 A student who is not satisfied with the outcome of the Procedure and has exhausted all the stages of the procedure may request that the Office of the Independent Adjudicator (OIA) reviews the case. This may be done by completing the OIA scheme application form within twelve months of the date of the University's Completion of Procedures letter.

5.2 Where a case is considered eligible, the OIA will provide independent adjudication on the resolution of complaints, once the University's internal procedures have been exhausted.

## 6. INTERIM SUSPENSION

6.1 During the investigation of an allegation of potential Gross Misconduct it may be appropriate for the Vice Chancellor to determine that an interim suspension be applied to suspend the student from the University pending determination of the allegations against the student. The interim suspension is not intended to imply guilt, be a punishment or a predetermination of the outcome of the investigation. An interim suspension may be applied where the Vice Chancellor reasonably considers that it is necessary, in order to manage one or more of the following risks:

- a) The safety and wellbeing of others;
- b) The safety and wellbeing of the student themselves;
- c) Improper interference with the conduct of an investigation;
- d) Ongoing disruption to the University's business, or ongoing damage to the University's reputation or property.

6.2 If the Vice Chancellor determines that a student should be suspended on an interim basis, he or she will appoint the Pro Vice Chancellor Students to manage the interim suspension in accordance with the following principles:

- a) Interim suspension means that the student may not be on University property other than for specific appointments which must be agreed in advance, and in writing, between the student and the Pro Vice Chancellor Students or the Investigating Officer. This interim suspension normally includes the Student Union.
- b) Interim suspension means that the student may not, amongst other activities, attend classes as normal. If the student is living in University accommodation then, depending on the reasons for the interim suspension, the student may also be required to temporarily vacate that accommodation;
- c) To mitigate the impact of the interim suspension on the student's studies, requests for occasional and limited access to services and facilities, such as appointments with key staff or to attend examinations, will be considered by the Pro Vice Chancellor Students. Normally, where appropriate and subject to paragraph 6.4 below, learning material and access to the University's virtual learning environment will be made available

- electronically and a member of academic staff will be appointed to manage liaison with the student and ensure the availability of materials and discuss academic queries;
- d) Notwithstanding 6.2 a) and 6.2 b) above, the Pro Vice Chancellor Students may determine that an interim suspension is limited to specified areas, activities and facilities of the University.
- 6.3 Where an interim suspension has been applied this will be subject to review every 20 working days or at key stages as determined by the Pro Vice Chancellor Students. Where a student has been subject to an interim suspension for a period of 20 working days or more during the teaching term the student has the right to apply in writing to the Vice Chancellor for a review of the interim suspension. The student will specify the grounds for the review and provide grounds for the review and evidence of the impact that the suspension is having on them. Subsequent independent reviews may be conducted where in the Vice Chancellor's opinion, a reasonable case may be made by the student that circumstances have changed. An independent review will normally be conducted by a person appointed by the Vice Chancellor, applying the principles set out in these Procedures and will involve a full review of all relevant information relating to the decision to suspend the student.
- 6.4 If the University or the student reasonably considers that the conditions attached to an interim suspension (normally where the suspension has endured for more than 3 calendar months) are having or are likely to have a significant impact on the student's abilities to undertake their studies or the University's abilities to support them in their studies, then the University may consider temporarily withdrawing the student from the University. The Pro Vice Chancellor or his/her nominee will convene a meeting with the student and relevant members of University staff to consider whether to recommend to the Vice Chancellor that the student be temporarily withdrawn. Any decision to temporarily withdraw a student made by the Vice Chancellor does not imply guilt or a predetermination of the outcome of the criminal or disciplinary proceedings. The student may apply in writing to the Vice Chancellor requesting a review of the decision within 10 working days of receiving the letter. The review will normally be conducted by one or more persons appointed by the Vice Chancellor, applying the principles set out in paragraphs 5.8 to 5.12 and will involve a full examination of all relevant information relating to the decision to temporarily withdraw the student.
- 7. MISCONDUCT WHICH IS ALSO SUBJECT TO CRIMINAL PROCEEDINGS**
- 7.1 Where a case is being investigated by the police, the University's priority will be to co-operate with the police and ensure its actions do not prejudice the criminal investigation. This will not preclude the University from taking precautionary action, including making an interim suspension, in accordance with section 6. The University will not normally undertake a disciplinary investigation or hearing under its own procedures before the criminal proceedings have been fully concluded, unless the police specifically advise that this is acceptable and is not likely to prejudice the criminal proceedings.
- 7.2 Where there are criminal proceedings, the Pro Vice Chancellor Students or nominee will make regular contact with the student under investigation to review any progress or change in status regarding the case. Where there are updates to the progress or change in status regarding the case the student must update the Office of the Pro Vice Chancellor immediately in writing.

- 7.3 In some circumstances where a suspension is continuing, pending criminal proceedings, the University may consider temporarily withdrawing the student in accordance with paragraph 6.4 above.
- 7.4 Where criminal proceedings are concluded against a student with no charges being brought, or the student being acquitted by the court, the University will take this into account in the application of its own disciplinary process under the Gross Misconduct procedure.
- 7.5 Where a conviction (including any caution, bind-over, reprimand or other criminal penalty) has been given to a student which constitutes Gross Misconduct under this procedure, the Pro Vice Chancellor will proceed to consider the case under the Gross Misconduct procedure, taking into account the following guidance:
- a) The fact that the matter has resulted in a conviction in a criminal court will be taken as conclusive evidence that the alleged offence has occurred, and no investigation will be required by the University unless the University's allegation of Gross Misconduct differs for any reason from the specific conviction given;
  - b) The focus of the University disciplinary process may include an assessment of the risk posed to staff or students. It may also include assessment of the material impact caused by reputational damage to the University, particularly when this impedes or interferes with the normal operations of the University, or when it affects important relationships between the University and key individuals, agencies and stakeholders. If disciplinary action is taken, the penalty imposed by the court will be taken into account when determining any further penalty;
  - c) Where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) result in a student being absent from his/her study for a period of less than 12 calendar months it will normally be the case that the University will deem the student to be temporarily withdrawn for this period, unless the outcome of the disciplinary process is a decision to exclude the student permanently from the University. In the case of such a temporary withdrawal, it will be the responsibility of the student to notify the Pro Vice Chancellor Students regarding the date of release from custody. The Pro Vice Chancellor Students will then assess the case in accordance with 6.2 a) and b) above.
  - d) In the case of a criminal conviction where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) result in a student being absent from his/her study for a period in excess of 12 calendar months, the student will be deemed withdrawn from the University. The student may then reapply for admission to the University, and as part of the standard admissions process will be required to declare criminal convictions to be considered prior to a decision regarding an offer of a place. Further information on admissions procedures in respect of criminal convictions is available on the University's Registry webpages.

## Academic Regulations and Procedures: Student Behaviour and Disciplinary Procedures

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### Revision History

<b>Committee</b>	<b>Date</b>	<b>Change</b>
Academic Board v2.2	6 July 2022	Major revisions [AB21/70]
Academic Board v2.1	7 July 2021	Minor revisions [AB20-54]
Academic Board v2.0	25 April 2018	Significant revisions [AB17-56]
Academic Board v1.0		Student Code of Conduct Procedure Approved

**Appendix 1 – Sanctions at Stage 1**

<b>Nature of minor misconduct</b>	<b>First incident</b>	<b>Second incident</b>	<b>Third incident</b>
Anti-social behaviour at University premises or in the community which causes disturbance, upset or distress to other individuals	Written Warning	Fine up to £100 dependent on the nature of the behaviour and its impact	Escalation to Stage 2
Damage to property (including University property) without malicious intent	Written warning plus any repair costs	Fine of up to £100 plus any repair costs	Escalation to Stage 2
Minor breach of University regulations, policies or procedures	Written Warning	Escalation to Stage 2	
Failure to follow the reasonable instructions or requests of University representatives in the best interests of the student or other individuals	Written Warning	Fine up to £100 dependent on the nature of the behaviour and its impact	Escalation to Stage 2
Disruption to the academic or social life of other students	Written Warning	Escalation to Stage 2	
Insulting or abusive behaviour towards other individuals which is not discrimination within the meaning of the Equality Act 2010 and is not otherwise criminal behaviour	Written Warning	Escalation to Stage 2	
Insulting or abusive behaviour towards University staff which is not discrimination within the meaning of the Equality Act 2010 and is not otherwise criminal behaviour	Escalation to Stage 2		

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<p>Distribution or publishing any recording to which they have access to for the purposes of personal academic study</p>	<p>Escalation to Stage 2</p>		
<p>Behaviour that is in breach of health and safety guidance and/or that puts others at risk, such as :</p> <ul style="list-style-type: none"> <li>• BBQs outside of designated areas</li> <li>• Tampering with window restrictors</li> <li>• Obstructing fire exits</li> <li>• Kitchen appliances in residential accommodation outside of the designated kitchen space</li> <li>• Tampering with fire equipment (fire doors, extinguishers, fire blankets and smoke alarms)</li> <li>• Inappropriate activation of fire alarms</li> <li>• Failure to evacuate/ evacuate promptly and/or re-enter the building without permission</li> <li>• Evidence of and/or smoking on University premises outside of the designated smoking areas</li> <li>• Evidence of use of joss sticks, candles, naked flames or portable gas equipment</li> </ul>	<p>Written warning</p>	<p>Fine of up to £150 dependent on the nature of the behaviour and its impact</p>	<p>Escalation to Stage 2</p>