Student Disciplinary Policy
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Application of the Policy

It is a requirement of the Board of Governors that students regulate their behaviour, as students of the University, in order to secure the proper working of the University in its broadest sense. It follows that students should understand what constitutes misconduct, what sanctions the University can apply in the event of misconduct and the procedures that relate to the application of sanctions. The provisions of the Disciplinary Policy, associated procedures and sanctions are authorised by the Board of Governors.

It is the policy of the University to administer this policy fairly, reasonably and in accordance with the principles of natural justice. The Vice-Chancellor is responsible for the maintenance of student discipline and, within the rules and procedures provided for in the Articles of Government, for the exclusion, suspension or expulsion of students on disciplinary grounds.

Each case considered under this disciplinary policy will be considered on its own merits and the University will make every effort to ensure that any sanctions imposed are reasonable, proportionate and consistent with standards applied across the University.

All actions under this policy and procedure will be determined impartially.

Allegations of misconduct may be investigated and dealt with at Level 1, 2, 3 or 4 of this policy and procedure and do not need to progress through each of the levels. The University will determine the appropriate level in each case.

The standard of proof applied at every Level of this Disciplinary Policy is the balance of probabilities.

Whilst the University will endeavour to conduct disciplinary procedures in a timely manner, it will also give due consideration to the timing of any disciplinary proceedings, in particular in relation to student assessments, where it is reasonable to do so. Time limits and periods of notice in these Procedures may be amended on a case-by-case basis by the University with good reason (such as in the matter of fairness) and with appropriate communication.

This Student Disciplinary Policy applies to all students of the University at all times (not just during term time and including whilst on University activities such as field trips) whether any alleged misconduct takes place on or off University premises, but only in their capacity as students (i.e. they do not apply to a student’s employment by the University. Where a student is employed by the University, disciplinary matters relating to that employment would be considered under the appropriate staff procedure). These procedures therefore apply to all those students studying or registered for Harper Adams credits and awards, including students on their placement year, students on short courses, undergraduates, post-graduates (including research students), apprentices and those studying through the Harper Adams Veterinary Nursing Approved Centre (VNAC). This policy and procedure covers any alleged misconduct which takes place in relation to any activity associated with or organised by the University. Students should note that the Students’ Union has its own policy and procedures relating to student conduct. The Students’ Union reserves the right to conduct its own investigations where appropriate. This does not preclude the University from following its own procedures.

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This Student Disciplinary Policy relates to all matters of misconduct, except:

- Those amounting to academic misconduct under the University Academic Misconduct Policy Procedures and Guidance.
- Those which constitute a breach of standards and/or conduct set by a professional regulator. This applies to students who are studying on courses leading to a professional qualification (i.e. Veterinary Nursing Students and Veterinary Medicine Students). Where allegations of such misconduct constitute a potential breach of professional standards and/or conduct which could lead to fitness to practice issues the misconduct will normally be dealt with under the University Fitness to Practice Policy and Procedures.
- Students who are the subject of an allegation of misconduct in a placement or workplace setting which is part of their programme of study will normally be subject to the conduct and discipline policy and procedures of the placement provider/employer in the first instance. However, the University may also, or instead, decide to take action under these or other relevant University policies and procedures governing placement if it is considered appropriate to do so.

It is not intended that this Policy will be used to limit lawful protest.

Support and Welfare

Where mental health, illness or disability may have impacted upon student behaviour or conduct, the matter may be referred to Student Services for advice on other methods of dealing with the situation as alternatives to disciplinary action, or, alongside disciplinary action where appropriate. The University may determine, for example, that the matter should be considered under an alternative policy such as the University’s Health and Wellbeing Policy. Students are asked to ensure that they advise Student Services if they believe their conduct has been affected by their mental health, illness or disability, and provide evidence of the same, so that the University may consider making reasonable adjustments as appropriate.

The University will remain mindful, when implementing this procedure, of its obligations under equality law, including its duty to make reasonable adjustments in respect of students with disabilities.

Where it appears to the University at any point that an issue or allegation of misconduct being dealt with under the Student Disciplinary Policy could benefit from the assistance of mediation, in finding a resolution suitable for all parties concerned (either in relation to all or some of the issues involved), the Head of Student Services may at his/her discretion explore with the parties whether they would be prepared to mediate. If the parties are willing to mediate, the Head of Student Services may refer the matter to a mediator who will then direct the process and the disciplinary process will normally be stayed until the mediation is complete. Any mediation undertaken will be without prejudice to on-going disciplinary proceedings although a successful mediation may result in disciplinary proceedings being discontinued.
It should also be noted that should any alleged conduct involving issues that fall under the Drug and Alcohol Policy and/or the Sexual Violence, Violent Behaviour, Harassment, Racism and Bullying Policy for Students, the University shall consider its response to such matters, in light of the relevant Policy/ies, alongside any disciplinary sanctions that may be applied under this policy.

In addition to any disability support, students involved in disciplinary matters, whether facing disciplinary procedures themselves or as witnesses or complainants about misconduct, may need advice and support at any stage of the process. The University encourages all students in that position to seek any support and advice they need by contacting the Student Wellbeing Officer.

Students who feel unable to represent themselves fairly in any disciplinary matter are able to appoint an advocate to accompany them and the student may nominate them to speak on their behalf and/or represent them at a formal meeting. The advocate may be one of the following: a friend (who is a registered student of the University); a member of the Students’ Union Elected Committee or its staff; a member of University staff not linked to the investigation. This is in addition to any health professional or support worker who may usually accompany the student or who may attend meetings with the student, at the University’s discretion by way of making reasonable adjustments. A legally qualified representative shall normally only be permitted where a student’s ability to secure registration with a professional body is likely to be affected by an outcome of the disciplinary process.

Misconduct - Definition

Misconduct under the Code is defined as improper interference, in the broadest sense, with the proper functioning or activities of the University or those who work or study at the University or action which otherwise damages, or is calculated to damage, the University. Acts constituting misconduct are detailed below. They are neither prescriptive nor exhaustive.

1. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
2. Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee or governor of the University or any authorised visitor to the University;
3. Behaviour which could constitute violent, indecent, disorderly, threatening, coercive or offensive behaviour or language or incite the same whilst on University premises or engaged in any University activity;
4. Theft, fraud, deceit, deception or dishonesty;
5. Action likely to cause injury or impair safety on University premises including the irresponsible use of motor vehicles;
6. Behaviour which could constitute discrimination or harassment of any student, member of staff or other employee or governor of the University or any authorised visitor to the University and/or acting in a discriminatory manner in breach of the University’s Single Equality Scheme;
7. Breach of the provision of the University’s rules or regulations, policies/procedures or Code of Conduct, which provides for breaches to constitute misconduct under this Code;
8. Damage to, or defacement of, (or actions likely to damage or deface) University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property;

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9. Misuse or unauthorised use of University premises or items of property, including computer misuse;
10. Conduct which may constitute a criminal offence where that conduct:
   a. took place on University premises or
   b. affected or concerned other members of the University community or
   c. damages, or may damage, the good name of the University or
   d. itself constitutes misconduct within the terms of the Code or
   e. is an offence of dishonesty where the student holds an office of responsibility in the University
11. Behaviour which brings the University into disrepute;
12. Failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
13. Failure to comply with the disciplinary process without reasonable excuse or with a previously imposed penalty under the Code.
14. Use of Social Media which could constitute any of the above.

Serious Acts of Misconduct - Definition

Serious acts of misconduct may be regarded as a serious offence resulting in formal disciplinary proceedings. The following list is a non-exhaustive list of acts of misconduct which may be considered serious acts of misconduct;

- Possession of controlled or controlled prescribed drugs, without a valid prescription or psycho-active substances with or without the intention to supply
- Allegations relating to violent misconduct against a fellow student, members of staff, a visitor or other member of the University community
- Misuse of fire arms and/or incidents involving weapons or items used as a weapon
- seriously threatening, offensive, coercive or indecent behaviour
- serious or persistent acts of bullying, harassment or intimidation
- serious breaches of University Health and Safety rules and regulations
- serious theft, fraud or deliberate falsification of records
- causing deliberate and serious damage to property
- Repeated or persistent misconduct of a serious nature, including failure to comply with disciplinary sanctions
- Vexatious or malicious allegations against other students, staff or members of the public;
- Any behaviour that has, or may have, a serious adverse impact on the University’s students, staff or members of the public or the reputation or functioning of the University or its activities.

Criminal Investigations

Students should be aware that any complaint, allegation or evidence of serious misconduct considered to constitute a criminal offence could be referred to the police. Where a matter is under investigation by the police, the University reserves the right to delay considering the matter under its own disciplinary procedures until the outcome of the police investigation is known. The University is not precluded from progressing its own disciplinary action where police involvement is taking place.

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In cases where an alleged offence may pose a risk to individual and/or groups of staff and/or students, the University reserves the right to temporarily suspend or exclude the student from all or parts of the University premises or facilities. Circumstances of criminal investigations may also dictate that the student(s) who is (are) the subject of a police investigation should be suspended or excluded until the investigation or criminal proceedings, arising from the investigation, if any, have been completed. In these instances the decision to suspend or exclude will rest with the Vice-Chancellor as outlined in this policy. In making such decisions where a student is the alleged victim and the alleged perpetrator of an alleged criminal act is also a student, and the police have not determined that exclusion from the campus is required; the University will make reasonable endeavours to balance the interests of all parties involved when making decisions around suspension and/or access to the campus. It will also use its best endeavours to offer support to both parties should they wish to access such support. The University will also take account of the UUK Publication “Guidance for HE Institutions on how to handle alleged student misconduct which may also constitute a criminal offence” (published in Academic Year 2016/17).

Whilst criminal investigations are underway, the student is obliged to keep the University informed of any progress made or change in their position/status. Where a student is convicted of a criminal offence, the University may take the decision of the Court as conclusive evidence that the offence occurred. Where a student is acquitted of a criminal offence in Court or where proceedings are not pursued to a criminal trial, the University reserves the right to consider any matters of concern to the University in accordance with this disciplinary policy. Where criminal proceedings result in a student being taken into custody or being absent from study for a period of more than 12 months, the student may be deemed withdrawn from the University. In such circumstances the decision to withdraw the student will rest with the Vice-Chancellor.

Initial procedure for dealing with misconduct

Reporting misconduct
All acts of misconduct regarding a student or students should be reported to Student Services. Students wishing to make a complaint about another student’s behaviour should report this to the Head of Student Services or Assistant Head of Student Services at the earliest opportunity. Student Services will normally send acknowledgment of receipt of the complaint, and initiate an investigation, within 5 working days.

Initial Investigation
Initial investigations will include, where possible, a mutually convenient, initial meeting with the student, at which he/she may be accompanied by a friend (who is a current registered student). This meeting will be arranged by telephone call or e-mail exchange with the student’s contact number held on University records or University e-mail address. Where it is not possible to arrange an initial meeting within a reasonable time-scale, a letter or email setting out the allegations and requesting a meeting or a written response will be sent to the student’s University e-mail address.

At the initial meeting and/or in the written correspondence, the student will be informed of the nature of the allegation(s) of misconduct, any initial evidence available, and the process for disciplinary matters. Student Services will determine, and communicate to the student, whether
the matter constitutes non-serious or serious misconduct and at which level the matter may be
dealt with. Where allegations of serious misconduct have been raised or where the classification
of the misconduct is unclear, the Head of Student Services, or deputy, may discuss the allegations,
in general terms, with a member of the Senior Management Team not involved in the case, under
consideration, to agree whether the matter should be dealt with at Stage 2, 3 or 4, as laid out
below.
Flow Chart of Disciplinary Stages and Routes

1. **Informal: non-serious / minor**
   - Authorised staff member
   - Meeting
   - Student provides oral or written account of actions, mitigating factors, etc.
   - 5 days to review
   - Summary and outcomes communicated
   - 10 days
   - Appeal to V-C

2. **Informal: non-serious / moderate**
   - Authorised staff member
   - 5 days post-meeting
   - Student provides written statement of actions, mitigating factors, etc.
   - Staff member emails summary of meeting to student
   - 5 days to review
   - Summary and outcomes communicated
   - 20 days
   - Appeal to V-C

3. **Student Discipline Committee (SDC) forms: non-serious / complex**
   - Informally convened to confirm level or refer
   - 10 days’ notice
   - Student notified of date and time of SDC
   - 5 days before
   - Circulate paperwork for review
   - 3 days before
   - Review and respond with any additional information and/or witnesses
   - Student unable to / does not attend, Adjudicate and reschedule
   - Student meets with SDC (face to face or virtually)
   - 5 days
   - Outcomes communicated
   - 10 days
   - Appeal to V-C

4. **Governor’s Disciplinary Advisory Committee (GDAC) forms: serious**
   - 10 days’ notice
   - Student notified of date and time of GDAC
   - 5 days before
   - Circulate paperwork for review
   - 6 days before
   - Review and respond with any additional information and/or witnesses
   - Student unable to / does not attend, Adjudicate and reschedule
   - Proceed without student (if no valid reason)
   - Student meets with GDAC (face to face or virtually)
   - 10 days
   - Outcomes notified by V-C communicated
   - 10 days
   - Appeal to Chair of Governors
Licensing and interim action

Where allegations of misconduct, at any level, involve misuse of alcohol and/or anti-social behaviour that appears to have the potential to affect the ability of other students to socialise safely or appropriately, or the ability of the Designated Premises Supervisor to uphold licensing objectives, a temporary exclusion from the University’s Licensed Premises may be imposed by an authorised member of staff, pending the outcome of any disciplinary investigation and proceedings, in order to protect the student, the student community and/or the University Premises Licence.

Where the allegations are deemed by Student Services to constitute non-serious misconduct, they will be dealt with under Stage 1 or Stage 2 procedures, as laid out below.

Procedures for dealing with non-serious, minor to moderate misconduct

For non-serious acts of misconduct, informal disciplinary procedures may be applied at Stage 1 by an authorised member of staff, other than the Vice-Chancellor, or, where appropriate, at Stage 2, by the University’s Student Discipline Committee (SDC) as laid out below. Authorised members of staff for the purposes of this policy are the Head of Student Services (or nominee), Heads of Academic Departments (or their nominees), members of the Vice-Chancellor’s team (or their nominees) or any other staff members whom the Vice-Chancellor deems sufficiently competent and who he/she nominates from time to time. Where the individual conducting the investigation is an authorised member of staff, any disciplinary decision made subsequent to that investigation will be made by a separate, authorised, member of staff.

Stage 1 – Informal: non-serious, minor misconduct

Stage 1 will proceedings will be applied to specific acts of (non-serious) misconduct or misconduct which may be addressed through an educational, reflective or community resolution. In cases of non-serious, minor misconduct the student will be invited to discuss the matter with the Head of Student Services or Deputy, and will be invited to provide an oral or written account of their actions, for consideration by the authorised member of staff, along with any other evidence e.g. CCTV, or mitigating factors.

Fixed penalties for non-serious misconduct or specific acts of conduct may be applied and may include: verbal or written warnings; fines to a maximum of £100; any costs associated with the misconduct (including administrative); short periods of community work not exceeding 3 hours per week; educational and/or therapeutic interventions; a fixed term ban from the University’s licensed premises and social events therein. Outcomes will normally be communicated within 5 working days.

Stage 2 – Formal: non-serious, moderate misconduct

Stage 2 disciplinary proceedings will take the form of an initial scheduled meeting between an authorised member of staff and the student(s) concerned. Further to the initial investigation, the student will be invited to respond to the allegations by providing a written statement, within 5 working days. Students will be invited to declare any reasonable adjustments they may require to
the disciplinary process. A summary of the initial meeting will be provided by e-mail to the student’s University e-mail address.

Thereafter, investigations may also include any or all of the following non-exhaustive list of steps depending on the type of the allegations; interviewing of/ gathering statements from witnesses; review of CCTV footage; collation and review of documents (including, where relevant, police documents); collection of evidence from other sources as relevant.

Fixed penalties for non-serious misconduct or specific acts of conduct may be applied and may include: verbal or written warnings; fines to a maximum of £150; any costs associated with the misconduct (including administrative); short periods of community work not exceeding 5 hours per week; educational and/or therapeutic interventions; a fixed term ban from the University’s licensed premises and social events therein.

Outcomes will normally be communicated within 5 working days.

**Procedures for dealing with non-serious, complex misconduct to serious misconduct**

**Stage 3 – Student Discipline Committee (formal procedure for non-serious, complex misconduct)**

A Student Discipline Committee may be used where the authorised member of staff dealing with the case considers that the allegations are serious or complex enough to warrant the involvement of a committee. A Committee may also be convened where the student does not accept responsibility for the alleged misconduct and/or he/she makes allegations about misconduct by others such that the matter requires further consideration by a Committee to ascertain where responsibility for the misconduct lies.

The Student Discipline Committee will comprise at least two independent members of staff drawn from the following:

- Deputy Vice Chancellor
- University Secretary
- Academic Staff
- Head of Academic Department
- Head of Student Services
- Assistant Head of Student Services
- The Students’ Union President

Any of the above may nominate an alternate who is also a member of staff, or in the case of the Students’ Union President, a member of the SU Executive Committee.

The committee will convene, informally, to consider the nature of the allegation. Where the Student Discipline Committee feels the incident constitutes a *serious* act of misconduct or that the student has been found to have committed repeated or persistent acts of misconduct within the period of time he/she has been a registered student of the University, then it may refer the case to Stage 4; Governors’ Disciplinary Advisory Committee. Misconduct that could be deemed as *serious* misconduct, but may be addressed through educational and/or therapeutic
interventions prior to consideration of escalation, may be addressed by a Student Discipline Committee in the first instance, followed by a review, and referral if appropriate.

Where the Student Discipline Committee is satisfied that the matter can be considered at Stage 3, the student will be invited to a Student Discipline Committee in writing and will normally be given 10 days’ notice. Where a different notice period is required, the student will be informed, by the Head of Student Services or nominee, of the reason for the notice period. The invitation to the Student Discipline Committee will include details of the alleged misconduct and will also include disclosure of all relevant information and evidence available.

Witness evidence will be exchanged 5 working days prior to a Committee meeting. Witness evidence will normally be provided in written form only and witnesses will not normally be called to provide oral evidence to a Committee. Further to the exchange of witness evidence, the student and the University will both have the opportunity to ask further questions or make further submissions in relation to that evidence 3 working days prior to a committee meeting.

The Student Discipline Committee will hear evidence from the student and a member of staff referring the matter to the Committee along with any other relevant evidence. Where a student has identified a supporting witness or witnesses, the student may request that the witness attends the panel / committee to make a statement and answer questions of the student and/or members of the panel / committee.

The decision of the Student Discipline Committee and reasons for the same will be given to the student in writing within 5 working days of the meeting. Penalties for non-serious misconduct or specific acts of conduct may be applied and may include: verbal or written warnings; fines to a maximum of £200; any costs associated with the misconduct (including administrative); short periods of community work not exceeding 8 hours per week; educational and/or therapeutic interventions; a fixed term ban from the University’s licensed premises and social events therein; a fixed term ban from sporting activities.

Stage 4: Governors’ Disciplinary Advisory Committee (formal procedure for serious misconduct)

For cases involving allegations of serious misconduct stage 4 will be invoked.

The Governors’ Disciplinary Advisory Committee (GDAC) shall meet initially at the direction of the Vice-Chancellor and thereafter at the direction of the Chairman for the time being of the GDAC until the case for which it was originally convened has been closed.

GDAC membership shall be:

- Three staff of whom at least two shall be Academic Staff members one of whom will act as Chairman
- Two Students, nominated by the Vice-Chancellor or his/her nominee

Also attending the GDAC will be:

- The person presenting the case shall be the investigating officer or a member of staff familiar with the facts of the case.
- The Vice-Chancellor and/or the Chairman of the Board of Governors may, if they wish, attend as an observer throughout the process including the decision making by the
GDAC. However the decision reached by the GDAC will be reached by the members of the GDAC only.

- A clerk and/or minute secretary will attend to take notes of the proceedings and assist the Chairman of the GDAC to make a report of the meeting. These attendees will not form part of the GDAC and will not be involved in the GDAC’s decision making.

No staff or student member of the Governing Body may sit as a member of the GDAC.

Students should note that the GDAC is a formal committee meeting and it is therefore essential that all aspects of the procedure are followed correctly. Students subject to a GDAC will receive a copy of the terms of reference and process, including details of the appeals process. The GDAC terms of reference can also be found on the University’s key information page. Students should note that if they do not attend a GDAC meeting without reasonable excuse, the Chair may decide to proceed in the absence of the Student. Meetings may be rescheduled at the discretion of the Chair, meeting will be rescheduled no more than twice.

If allegations of serious misconduct are referred to a GDAC, the GDAC will ensure that a thorough investigation of the case has taken place and that the report of the investigation is shared with the student and all the members of the GDAC.

The Student will be notified in writing of the nature of the allegation(s) of misconduct and will be notified that a GDAC is being convened along with the date of a GDAC meeting. The terms of reference and details of the GDAC procedure will be given to the student. Notice of the GDAC meeting will normally be given to the student not less than 10 working days in advance, unless either the student(s) concerned all agree that they would like the matter to be dealt with at a GDAC meeting as soon as possible, and/or there are extenuating circumstances which the Chair of the GDAC deems require a shorter period of notice, in either event, reasons for the short notice will be given in the letter of notification. A report will be prepared by the Investigating Officer or nominee detailing the basis of the case. This, along with evidence obtained during investigations, will be circulated to the GDAC members and the student, along with all other documentation relevant to the GDAC meeting at least 5 working days before the date of the GDAC meeting unless a shorter period is required, in which case, the Chair has the discretion to give permission for a shorter period, if the student or students request this. The terms of reference and procedure for the GDAC meeting and reporting thereafter are detailed in the document ‘Governors’ Disciplinary Advisory Committee Terms of Reference’ (available on the University’s key information page.) The Committee, may, at its discretion, seek advice from staff about the proposed outcome where there are practical implications for implementation or similar matters that need to be discussed. The student will be advised of these discussions. Students will be notified of the outcome of the GDAC in accordance with the GDAC Terms of Reference.

Witness evidence will be exchanged 5 working days prior to a GDAC meeting. Witness evidence will normally be provided in written form only and witnesses will not normally be called to provide oral evidence to a GDAC. Further to the exchange of witness evidence, the student and the University will both have the opportunity to ask further questions or make further submissions, in relation to that evidence, 3 working days prior to a GDAC meeting. Where a student has identified a supporting witness or witnesses, the student may request, 3 working days in advance, that the witness attends the panel / committee to make a statement and answer questions of the student and/or members of the panel / committee.
General penalties for misconduct

Authorised members of staff and the Student Discipline Committee may impose penalties for non-serious acts of misconduct. In all cases involving serious misconduct a GDAC may impose penalties, save for suspension or expulsion, which are subject to ratification by the Vice-Chancellor.

A student found guilty of misconduct may be admonished, discharged (i.e. no blame should be attached to his/her actions even though technically guilty), cautioned (i.e. no penalty is imposed but a record of the offence is kept and could be referred to in subsequent disciplinary action) or conditionally discharged (i.e. no penalty is imposed providing stipulated conditions are met including regarding behaviour over a specified period), or a range of sanctions may be applied including, verbal or written warnings, fines to a maximum of £250 depending on the type and stage of misconduct, short periods of exclusion not exceeding 14 days, or periods of community work not exceeding 12 hours a week during term time, in respect of any one offence; educational and/or therapeutic interventions; a fixed term ban from the University’s licensed premises and social events therein; a fixed term ban from sporting activities.

Where it is deemed appropriate at any Stage of the disciplinary policy to impose alternatives to the above penalties which may have a rehabilitative, educational or community value, either instead of, or alongside, a penalty, the University may, at its discretion, decide to take that action.

Any student who is found to have committed a serious act of misconduct (not limited to the examples given in this policy) can be excluded, suspended or expelled from the University and/or may be subject to the other sanctions outlined above.

Exclusion involves selective restriction of attendance at, or access to, the University or prohibition of fulfilling the functions or duties of any office or committee membership of the University or Students’ Union.

Suspension involves total prohibition for a specified amount of time from attendance at, or access to, the University and of any participation in University activities. It may be subject to provisions such as the entitlement to attend examinations.

Expulsion means that the student’s registration with the University is cancelled and that the student is withdrawn.

Where a student is excluded, suspended or expelled from the University, or his/her conduct is found to be likely to impact the ability of other students to live safely in University accommodation, the sanction may include a requirement that the student permanently or temporarily move out of University accommodation. Where this is the case, Student Services will work with the student to help them to secure suitable alternative accommodation.

Suspension (in cases of serious misconduct)

In cases involving allegations of serious misconduct, where it is believed that there may be a real risk to staff and/or students and/or property, or to the University’s reputation, the University reserves the right to temporarily suspend or exclude the student from all or parts of the University
grounds or facilities pending the outcome of investigations/disciplinary proceedings/criminal proceedings.

In this instance, a recommendation will be made to the Vice-Chancellor, or Deputy Vice-Chancellor, who will ultimately make the decision. Except in cases where temporary suspension or exclusion is deemed to be urgent by the Vice-Chancellor and it is necessary to immediately suspend or exclude, the student will be given the opportunity to make representations either orally or in writing to the Vice-Chancellor before a decision on temporary suspension or exclusion is made. Where an urgent decision to temporarily suspend or exclude is made, the student will be given the opportunity to make representations as soon as reasonably practicable. The decision to temporarily suspend or exclude may be communicated verbally in the first instance but will be confirmed in writing to the student within 5 working days. The written confirmation will include details of the reasons for the decision and on the right to appeal. Appeals may be made in writing to the Chair of the Board of Governors within 10 working days of the date of the written confirmation. The Chair of the Board of Governors (or nominee) will consider any appeals and may uphold, overturn or vary the terms of any temporary suspension or exclusion. The student will be notified of the decision of the Chair of the Board of Governors within 10 working days. The student can request a review of any temporary suspension or exclusion in the grounds of relevant change in circumstances at any time. Such requests should be made in writing to the Vice-Chancellor. A temporary suspension or exclusion under this paragraph will not be regarded as a penalty and will not indicate any presumption of guilt.

Where the Vice-Chancellor is satisfied that the case involves serious misconduct he will refer such cases to a Disciplinary Advisory Committee of the Board of Governors (GDAC).

Appeals

The grounds of appeal against any decision or penalty imposed under this policy at any of the stages above are as follows; procedural irregularity; new evidence becoming available which was unavailable at the time that the decision or penalty was being considered; bias; disproportionality of penalty applied. Where there are no qualifying grounds of appeal, no right of appeal will exist. Where there are no grounds for appeal the student will be notified of this fact within 10 working days of the receipt of notification of the student’s appeal.

Appeal decisions may confirm, rescind, amend, alter or change the disciplinary decision being appealed. Appeal stages may involve a review of the previous decision stage, or a complete re-hearing of the case. Accordingly, appeal stages may overturn previous decisions and substitute a new decision without the need to refer the matter back to a previous stage.

There is a right of appeal, to the Vice-Chancellor, against a sanction imposed by either an authorised member of staff for a minor act of misconduct (Stage 1 and 2) or by the University’s Student Discipline Committee (Stage 3). An appeal must be received by the Vice-Chancellor within 10 working days of the written notification of the decision to the student. Appeals will be considered on paper and will not normally require a re-hearing of the issues. Appeal decisions and reasons for the same will be notified in writing to the student within 10 working days by way of a Completion of Procedures letter.
There is also a right of appeal against the sanction applied or decision made by the Vice-Chancellor, to the Board of Governors under the provisions for the conduct of formal disciplinary proceedings. Appeals must be received within 10 working days of the date of the written notification of the decision to the student. Appeals will be considered on paper and will not normally require a re-hearing of the issues. Appeal decisions and reasons for the same will be notified in writing to the student within 10 working days by way of a Completion of Procedures letter.

Appeals against the findings and/or recommendations of the GDAC (Stage 4) are to the Chairman of the Board of Governors who will then convene a Governors’ Disciplinary Appeal Committee in accordance with the GDAC terms of reference. The Governors’ Disciplinary Appeal Committee will be made up of 3 persons independent of any involvement with the associated GDAC. Such appeals must be made in writing within 10 working days of the date of the letter notifying the outcome of the GDAC. The appeal papers circulated in advance of a Governors’ Disciplinary Appeal Committee meeting will include the items which formed the document pack used in the GDAC meeting, along with a copy of the appeal letter, any supporting documents and where required, a response document, from the University, addressing each ground of the student’s appeal. The Appeal Committee, may, at its discretion, seek advice from staff about the proposed outcome where there are practical implications for implementation or similar matters that need to be discussed. The student will be advised of these discussions. Appeal decisions and reasons for the same will be notified in writing to the student within 10 working days by way of a Completion of Procedures letter.

Once the University’s appeals procedure has been exhausted, the ‘Completion of Procedures’ letter issued to the student will advise the student to contact the Office of the Independent Adjudicator for Higher Education if they are dissatisfied with the outcome.

A student may request a Completion of Procedures letter before the University’s internal procedures have been completed. In this instance, the Completion of Procedures letter will confirm that the University process was not complete at the time of issue of the letter.

**Reporting, Monitoring & Retention of disciplinary records**

Written warnings, confirmation of sanctions and records relating to serious acts of misconduct will be retained on file for the period of the student’s course and may be shared with the student’s tutor and/or programme manager. A student’s previous disciplinary record will not normally be relevant to disciplinary matters except in relation to decisions about the relevant penalty. After consideration of a matter, where a student is considered to have breached this Policy, previous disciplinary matters may therefore be considered and taken into account on deciding what an appropriate penalty should be in the current instance.

Information in relation to disciplinary offences may be reported to programme managers and Academic Heads of Department. Information requests involving details of disciplinary issues by third parties will be dealt with in accordance with the University policy on Data Protection.

Following the completion of a student’s course, records of student disciplinary matters will be retained for a period of 18 months following the conclusion of study, for the purpose of answering any complaints or appeals. This allows the University to align itself with the current Office of the Independent Adjudicator (OIA) complaints process.

June 2019
For students where a dispute is ongoing or is in reasonable contemplation for which there is a statutory limitation period, the records relating to the issue in dispute will be kept for the relevant statutory limitation period.
## Summary of process and guidance on penalties

<table>
<thead>
<tr>
<th>Stage:</th>
<th>Stage 1 Non-serious, minor misconduct</th>
<th>Stage 2 Non-serious moderate misconduct</th>
<th>Stage 3 Non-serious complex misconduct</th>
<th>Stage 4 Serious misconduct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who:</td>
<td>Authorised member of staff</td>
<td>Authorised member of staff as investigating officer and secondary, separate decision maker.</td>
<td>Student Discipline Committee (SDC)</td>
<td>Governors’ Disciplinary Advisory Committee (GDAC)</td>
</tr>
<tr>
<td>How:</td>
<td>Initial meeting</td>
<td>Initial meeting</td>
<td>Initial meeting</td>
<td>Initial meeting</td>
</tr>
<tr>
<td></td>
<td>Evidence gathering</td>
<td>Evidence gathering</td>
<td>Evidence gathering</td>
<td>Evidence gathering</td>
</tr>
<tr>
<td></td>
<td>Evidence review</td>
<td>Summary of findings</td>
<td>Report of findings</td>
<td>Report of findings</td>
</tr>
<tr>
<td></td>
<td>Application of low level sanctions</td>
<td>Review of findings by separate authorised member of staff.</td>
<td>Consideration by SDC (to confirm stage 3 or 4)</td>
<td>Circulation of papers, GDAC meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Application of moderate sanctions</td>
<td></td>
<td>Application of sanctions agreed by SDC</td>
</tr>
<tr>
<td>Examples Offences:</td>
<td>1st non-serious offences</td>
<td>2nd non-serious offences</td>
<td>Persistent or complex offences</td>
<td>Serious misconduct as listed on page 4.</td>
</tr>
<tr>
<td></td>
<td>Anti-social behaviour (on or off-campus)</td>
<td>Anti-social behaviour (on or off-campus)</td>
<td>Allegations that may require consideration alongside another policy or policies (e.g. harassment)</td>
<td>Allegations that may require consideration alongside another policy or policies (e.g. drug related matters)</td>
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<td></td>
<td>Anti-social behaviour</td>
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<td>Sensitive allegations</td>
<td>Allegations that may constitute a criminal offence (with or without referral to Police)</td>
</tr>
<tr>
<td></td>
<td>Smoking in a building</td>
<td>Smoking in a building</td>
<td>Inappropriately stored weapons (e.g. members of shooting club)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Damage</td>
<td>Damage</td>
<td>Fighting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Entering a residence uninvited</td>
<td>Entering a residence uninvited</td>
<td>Misconduct involving a group of students and varying levels of accountability</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Inappropriate use of social media</td>
<td>Inappropriate use of social media</td>
<td>Misconduct linked to a club, society or the Students’ Union, that may require consultation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Low level breach of accommodation regulations (e.g. pet in room)</td>
<td>Breach of accommodation regulations</td>
<td>Misconduct that could be deemed as serious misconduct but may be addressed through</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Poor behaviour of visitors</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Examples of offences:
- Persistent or complex offences:
  - Allegations that may require consideration alongside another policy or policies (e.g. harassment)
  - Sensitive allegations
  - Inappropriately stored weapons (e.g. members of shooting club)

- Fighting
- Misconduct involving a group of students and varying levels of accountability
- Misconduct linked to a club, society or the Students’ Union, that may require consultation
- Misconduct that could be deemed as serious misconduct but may be addressed through

- Serious misconduct as listed on page 4.
- Allegations that may require consideration alongside another policy or policies (e.g. drug related matters)
- Allegations that may constitute a criminal offence (with or without referral to Police)
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<td>Serious misconduct</td>
</tr>
</tbody>
</table>
| Example Penalties | • Discharged or conditionally discharged  
• Verbal or written warning or caution  
• A fine to a maximum of £100  
• Any costs associated with the misconduct (including administrative) e.g. damage repairs  
• Educational and/or therapeutic interventions;  
• A fixed term ban, usually 2 weeks (not including any ban imposed during investigation) from the University’s licensed premises and social events therein.  
• Community service, on campus, for approx. 2 weeks, not exceeding 3 hours per week | • Conditionally discharged  
• Written warning or caution  
• A fine to a maximum of £150  
• Any costs associated with the misconduct (including administrative) e.g. damage repairs  
• Educational and/or therapeutic interventions;  
• A fixed term ban, usually 2 weeks (not including any ban imposed during investigation) from the University’s licensed premises and social events therein.  
• Community service, on campus or within the local community, for approx. 4 weeks, not exceeding 5 hours per week | • A fine to a maximum of £200  
• Any costs associated with the misconduct (including administrative) e.g. damage repairs  
• Educational and/or therapeutic interventions;  
• A fixed term ban, (not including any ban imposed during investigation) from the University’s licensed premises and social events therein. This would normally be a minimum of 1 academic term but would not normally exceed 12 months.  
• Community service, on campus or within the local community, for approx. 1 academic term, not exceeding 8 hours per week  
• Immediate referral to GDAC for any further misconduct  
• Exclusion, not exceeding 14 days | • Written warning  
• A fine to a maximum of £200  
• Any costs associated with the misconduct (including administrative) e.g. damage repairs  
• Educational and/or therapeutic interventions;  
• A fixed term ban, (not including any ban imposed during investigation) from the University’s licensed premises and social events therein. This would normally be a minimum of 2 academic terms.  
• Community service, on campus or within the local community, not exceeding 12 months, and for students who remain registered (i.e. not suspended from studies) not exceeding 12 hours per week during term time.  
• Exclusion  
• Suspension  
• Expulsion |
| Appeal: | Vice-Chancellor | Vice-Chancellor | Vice-Chancellor | Governors |