

BISHOP GROSSETESTE UNIVERSITY

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1. Introduction

- 1.1. The University is part of the local community and is also a community itself, made up of staff and students. The University has a duty of care and responsibility to the members of its community, but at the same time expects members to exhibit appropriate standards of conduct and behaviour.
- 1.2. The University exists to provide teaching and professional training and to engage in the pursuit of scholarship and research. These procedures are intended to protect the rights of all staff, students and visitors to pursue these and associated activities peacefully and securely without interference, intimidation, discrimination or harassment and are specifically related to student behaviour that is seen as detrimental to the University, its reputation, or the lives of students and staff. They are also designed to protect the property of the University and of its community.

2. Scope and Purpose

- 2.1. These procedures apply to all registered students of Bishop Grosseteste University.
- 2.2. Where student behaviour constitutes minor misconduct and does not warrant full investigation under this procedure, it is expected that the relevant Programme Area or Professional Service Department deal with this internally as appropriate and record the minor misconduct and resolution through the centralised system.
- 2.3. A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still being dealt with under this procedure.
- 2.4. In determining whether a disciplinary allegation is upheld or not, the standard of proof is on 'the balance of probability'.
- 2.5. The Student Disciplinary Procedures will be conducted in accordance with the stated timeframes to ensure fairness and consistency. If because of the nature of the investigations required or the availability of key contributors, this timescale needs to be extended, any persons involved will be informed of the reason for the delay and the revised timescales.

3. Definition of misconduct covered by the Student Disciplinary Procedure

- 3.1. The essence of misconduct under this procedure is improper conduct or obstruction of the proper functioning or activities of the University. The University has a legitimate interest in any alleged misconduct by a student where it either:
 - 3.1.1. is closely related to the work of the University;
 - 3.1.2. occurs on University property;
 - 3.1.3. involves other students or staff of the University;
 - 3.1.4. occurs within a placement setting;
 - 3.1.5. has a detrimental impact on other students or staff of the University, staff and

officers of the Students' Union or members of the public visiting or working at the University;

3.1.6. includes conduct which damages the University or the reputation of the University.

3.2. Misconduct not related to the work of the University, which did not take place on University premises, or did not have a detrimental impact as detailed in 3.1.5, will normally be deemed outside the scope of this procedure. In these circumstances, the University will only consider disciplinary action should such misconduct involve the Police and/or incur a criminal conviction for the student(s) concerned.

4. Relationship to other procedures and codes of practice

4.1. The Student Disciplinary Procedure is not concerned with a students' academic performance or capability, which is the responsibility of Senate as exercised through the University's academic policies and regulations.

4.2. This procedure is not concerned with student academic misconduct, e.g., plagiarism – which is dealt with through the Code of Practice on Academic Misconduct.

4.3. Misconduct within the University's Hall of Residence will be dealt with in accordance with the student's Halls of Residence License Agreement.

4.4. If concerns about a student's fitness to study have led to a referral to the University's student disciplinary procedures, these proceedings will normally be suspended while the fitness to study issues are investigated. The decision of which policy to refer to shall be at the discretion of a Head of Programme, who should take advice from the Chief Quality and Compliance Officer on this matter.

4.5. A student may be referred to the disciplinary procedures via the University Safeguarding Policy.

4.6. Where the student is also a member of staff at the University then guidance should be sought from the Human Resources Department and Quality and Compliance Office, as any allegation might be considered under a separate specific procedure.

5. Principles and protocols

5.1. In dealing with student misconduct and disciplinaries, the following principles and protocols will be followed:

- i. The University will seek to ensure that the investigation of student misconduct under the terms of these procedures is conducted transparently, promptly and fairly.
- ii. Privacy and confidentiality will be maintained insofar as that is compatible with the effective disciplinary investigation. The student will be informed in advance if any disclosure to a third party is required in order to progress the investigation.
- iii. If allegations relate to more than one student then the University may, at its

discretion, consider the cases together.

- iv. All disciplinarys will be considered on their merits and in accordance with the University's values, ethos and relevant policies, e.g., the Diversity and Equality Policy. Evidence of previous misconduct may be submitted by the University for consideration should this be deemed appropriate e.g. when considering imposing a sanction, though the panel may decide to disregard evidence unconnected to the case.

6. Examples of misconduct

- 6.1. The University has the power under these regulations to discipline (see paragraph 12.17), exclude or expel students as a result of misconduct.
- 6.2. Any deliberate or reckless action which causes, or is liable to cause, damage to University property, injury, offence or distress, or which interferes with the operation of the University's activities, or affects the reputation of the University may result in the application of these procedures.
- 6.3. The actions listed below would constitute misconduct (this list is not exhaustive):
 - 6.3.1. conduct which constitutes a criminal offence;
 - 6.3.2. antisocial behaviour;
 - 6.3.3. being under the influence of alcohol and/or drugs;
 - 6.3.4. disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;
 - 6.3.5. obstruction of, or improper interference with, the functions, duties or activities of any student or staff member of the University or any visitor to the University;
 - 6.3.6. making frivolous, vexatious and/or malicious allegations or complaints;
 - 6.3.7. inappropriate, abusive, indecent, disorderly, threatening, intimidating, discriminatory or offensive behaviour or language, including on social media;
 - 6.3.8. bullying or violence, including verbal or physical aggression or the sending of abusive or threatening messages;
 - 6.3.9. harassment (as defined by Section 26 of the Equality Act 2010¹), including unwanted behaviour or conduct which has the purpose of effect of violating a person's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:
 - age
 - disability
 - gender reassignment

¹ [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

- race
- religion or belief
- sex
- sexual orientation.

The University also considers harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

Harassment may also include any incident of physical violence towards another person(s) on the basis of a protected characteristic and hate crimes, such as those criminal offences, which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

- 6.3.10. sexual misconduct, including but not limited to²:
- sexual harassment (as defined by Section 26(2) of the Equality Act 2010)
 - unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
 - assault (as defined by the Sexual Offences Act 2003³)
 - rape (as defined by the Sexual Offences Act 2003)
 - physical unwanted sexual advances (as set out in the Equality and Human Rights Commission: Sexual Harassment and the law, 2017⁴)
 - intimidation, or promising resources or benefits in return for sexual favours (as set out in the Equality and Human Rights Commission: Sexual Harassment and the law, 2017)
 - distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015, Section 33⁵)
- 6.3.11. fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors;
- 6.3.12. theft, misappropriation or misuse of University property, or the property of staff, students or visitors, including misuse of computers under the terms of the IT Systems Acceptable Use Policy;
- 6.3.13. misuse or unauthorised use of University premises, for example, by failure to comply with the terms of the Hall of Residence License;
- 6.3.14. destruction or damage to University property or the property of staff, students or visitors, caused intentionally or recklessly;
- 6.3.15. action likely to cause injury or impair safety on University premises;

² The listed definitions include harassment and sexual misconduct through any medium, including, for example, online.

³ [Sexual Offences Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁴ [Sexual harassment and harassment at work \(equalityhumanrights.com\)](https://equalityhumanrights.com)

⁵ [Criminal Justice and Courts Act 2015 \(legislation.gov.uk\)](https://legislation.gov.uk)

- 6.3.16. failure to respect the rights of others to freedom of belief or freedom of speech within the law;
- 6.3.17. failure to observe University rules and regulations;
- 6.3.18. failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;
- 6.3.19. failure to comply with a reasonable instruction relating to discipline issued within this procedure.

7. Disciplinary Procedure

- 7.1. Anyone who is aware of misconduct by a student which may result in action under these procedures, may make an allegation of misconduct. Complaints of misconduct may also be made by external organisations or individuals.
- 7.2. Complaints of misconduct may be made through the University's online report and support system or direct to the Quality and Compliance team (regulatorycompliance@bishopg.ac.uk).
- 7.3. Where the Student Disciplinary Procedure is initiated following a complaint, those person(s) who made the complaint will be informed once any stage of procedure is completed and provided with an outcome of investigatory process where the University is able to share this information. If the other student's behaviour is found to have had an adverse impact on the complainant, then the University will offer a remedy for that impact.
- 7.4. If a complainant is dissatisfied with any outcome at any stage of the Student Disciplinary Procedure, they can appeal to the Registrar and University Secretary (as outlined in Stage 3, see section 13).
- 7.5. Once all internal procedures have been completed, any student complainant will be issued with a 'completion of procedures' letter (see section 14).
- 7.6. The Student Disciplinary Procedure is split into three parts. A complainant will receive written notification of the outcome of their complaint at the end of each stage. This will include indication of whether there is an opportunity for further consideration or appeal and, if so, how to proceed to the next stage.
- 7.7. Impartial advice on the Student Disciplinary Procedure may be obtained from either the Students' Union who can provide representation, or Student Advice.

8. Cases of misconduct involving criminal prosecution

- 8.1. The Head of Programmes or Professional Service department (or their nominee) may defer action through the University's internal procedures until the Police and Courts have dealt with the matter. In such cases, the student will be notified of this deferral in writing.

- 8.2. The University will normally report any suspected criminal offence to the Police unless the victim of an offence committed by a student requests otherwise, in such cases this would be for the discretion of the University. However, the University reserves the right to report any offences to the Police, even if the victim of the alleged crime requests the University not to do so.
- 8.3. Where a student is found to have been guilty of misconduct under these regulations and has also received a sentence from a criminal court on the same facts, the penalty imposed by the criminal court will be taken into account when deciding on the appropriate penalty under these regulations.

9. Representation and attendance at meetings and hearings

- 9.1. The student may be accompanied at any hearing or meeting within this procedure by one person of their choosing (such as a friend, family member, member of the Students' Union or Student Advice) who should not be a legal representative or someone who has been suspended or excluded from the University themselves.
- 9.2. It is expected that the student will speak for and represent themselves and that the role of the third party accompanying will be to advise and support the student.
- 9.3. A representative may speak on behalf of the student in exceptional cases where the student feels unable to engage with the procedure. In such circumstances, the student should provide written confirmation as soon as possible, that they wish to be represented for the remainder of their case by the third party. The representative must be willing to act in this capacity.
- 9.4. If for a good reason a student is unable to attend a meeting or hearing under the procedure, the student may make a request to the University that a representative attend on their behalf. In such cases, the hearing will only be required to consider representations submitted by the representative and not any written or oral representations made by the student during or after the meeting.
- 9.5. The student must provide the name of the accompanying person to the University at least 5 working days in advance of the meeting where requested by the University and must always inform the University immediately of a request to be represented in lieu of their own attendance.
- 9.6. Unless the student has provided written permission for a representative to act on their behalf, resulting in the direction of communications by the University to the representative and not the student, it is the student's responsibility to relay relevant information and communications from the University under this procedure to any other third party.

10. Summary exclusion

- 10.1. Where the Head of Programme Area or Professional Service Department (or their nominee) believes that it is necessary, a student who is the subject of an allegation may be excluded from the University pending a disciplinary hearing. This would be appropriate

only if there is reason to think that serious misconduct has been committed or the student's continuing presence poses an immediate threat to the security of University property or to the welfare of another student or member of staff. In such cases, any such exclusion will be communicated to the Chief Quality and Compliance Officer and the Registrar and University Secretary, and approved by the Registrar and University Secretary. This is then reported to the Deputy Vice-Chancellor (Academic Affairs), Deputy Vice-Chancellor (Operations), University Security staff, the Faculty Administration Office, Reception, and any other staff with a genuine requirement to be informed.

- 10.2. Exclusion of a student pending a disciplinary hearing is considered to be a neutral act to be taken ahead of determination of whether an allegation is upheld or not upheld. Typical reasons why the University may decide to summarily exclude a student pending further investigation include:
- to avoid any repetition of the circumstances which led to the allegation;
 - to ensure the safety and wellbeing of the University community, including the student against whom the allegation has been made, for example, in cases which involve mental health issues, and/or to safeguard University property; and/ or
 - to ensure that potential witnesses or other evidence are not subject to interference.
- 10.3. Unless the matter is deemed to be urgent, no student shall be excluded unless they have been given an opportunity to make representations within 5 working days to the Head of Programme Area or Professional Service Department (or their nominee). The representations may be made in person or in writing and may be put forward by the student or by the student's adviser, friend or representative (see section 9 of this procedure). In those cases which the University deems to be urgent, the student may be excluded with immediate effect. Arrangements will then be made for the student to make representations as soon as practicable.
- 10.4. Exclusion may entail a complete prohibition from entering the University premises or it may entail exclusion from specific areas of the University or from having contact with a named individual or individuals. The student may be excluded from all activities or may be allowed to undertake specified activities such as attending an examination or assessment. In considering exclusion pending student disciplinary processes, consultation with the student's Head of Programme Area on the potential impact upon the student's studies should be undertaken. A student excluded in this manner should contact their Programme Leader, if permitted within the terms of their exclusion, on how they might best continue their studies. The terms of the exclusion and the reasons will be notified to the student in writing.
- 10.5. Where a student is excluded under paragraph 10.1, but the Disciplinary Panel meeting (and, if applicable, any subsequent appeal) is (are) delayed because of the decision of the Head of Programme Area or Professional Service Department (or their nominee) to defer action under paragraph 8.1 or paragraph 11.7, it should be noted that the student's suspension may last for a longer period.
- 10.6. A decision to exclude a student from the University and its activities shall be subject to review at the request of the student after four weeks. Such a review will not involve a hearing, but the student, whether personally or through their adviser, friend or representative will be entitled to make written representations. The review will be

conducted by the Registrar and University Secretary. The reviewer shall also review the exclusion in the same manner on the receipt of evidence of altered circumstances which might affect the order. The outcome of the review shall be communicated to the student in writing.

11. Stage 1 - Initial consideration of the allegation

- 11.1. The Head of Programme Area or Professional Service Department (or their nominee) to whom an allegation of misconduct has been forwarded should complete an initial investigation of the allegation within ten working days of receiving details of the allegation. See Appendix A for full details of the conduct of an initial investigation.
- 11.2. The student who is the subject of the alleged misconduct will be advised in writing of the alleged misconduct and how the behaviour is considered to have breached the University's expected standards. The student will be given an opportunity to respond to the allegation, and submit any appropriate evidence, within five working days of receipt of the allegation. The student will also be directed to the University's Student Advice team for advice, guidance and support.
- 11.3. The Head of Programme Area or Professional Service Department (or their nominee) will normally conduct meeting with the student before deciding what further action should be taken. This will normally take place within 5 working days of the alleged conduct being reported (and will take place after the student has received notification of the allegation). The student may be accompanied to the meeting in accordance with paragraph 9.1.
- 11.4. The Head of Programme Area or Professional Service Department (or their nominee) may also meet, where appropriate, with any individual who has made the allegation of misconduct. The individual may be accompanied by one person of their choosing; the person should not be a legal representative, but may include a friend, colleague or member of the Students' Union/Human Resources as appropriate.
- 11.5. Following the meeting, the Head of Programme Area or Professional Service Department (or their nominee) may decide that:
 - 11.5.1. there is no evidence to warrant further action and to dismiss the allegation immediately.
 - 11.5.2. there appears to be evidence to indicate misconduct and issue a written warning and/or impose sanctions.
 - 11.5.3. there appears to be evidence that indicates serious misconduct and further action is required under Stage 2 of the Procedure.
- 11.6. Where the Head of Programme Area or Professional Service Department (or their nominee) considers that immediate action be taken following the Stage 1, they may recommend that the student be suspended or excluded from attendance at the University pending the determination of the case under Stage 2 of the procedure (see Appendix A).
- 11.7. Where, during the investigation the University finds that the matter is already being investigated by the police, the University may suspend any disciplinary action until the

completion of the police investigation. Any suspension of disciplinary action will be communicated to all involved parties within 2 working days of the matter being suspended.

- 11.8. Where the allegation involves a student who is also a member staff, the matter may be referred to the University's Staff Disciplinary Procedure.
- 11.9. The student subject to alleged misconduct will be advised in writing, normally within ten working days of the conclusion of the initial investigation, of the action to be taken. The student will also be advised of the right to request a review (see Stage 3, section 13).

12. Stage 2: Student Disciplinary Panel

- 12.1. If, at the conclusion of the Stage 1 investigation, the Head of Programme Area or Professional Service Department (or their nominee) concludes that there appears to evidence to indicate serious misconduct, they should refer the matter to a Student Disciplinary Panel for consideration.
- 12.2. The Head of Programme Area or Professional Service Department (or their nominee) will appoint a Servicing Officer to the panel who is normally a member of the Quality and Compliance Team.
- 12.3. The Servicing Officer will set a date for a Disciplinary Panel to meet to consider the allegation, normally within fifteen working days of receiving the report of the Stage 1 investigation.
- 12.4. Where for good reason the student is unable to attend on the proposed Disciplinary Panel meeting date, the University will arrange an alternate date. If the student does not attend a Disciplinary Panel meeting at the agreed date and time, the meeting will proceed in their absence.
- 12.5. A Disciplinary Panel shall consist of:
 - 12.5.1. Dean of Faculty/ Pro Vice- Chancellor (students) or another suitable member of staff from the Senior Management Group of the University (Chair)
 - 12.5.2. Two members of academic and/or professional support staff from the Senior Management Group
 - 12.5.3. a student representative nominated by the Students' Union Chief Executive Officer.
- 12.6. For full details of conduct of the Student Disciplinary Panel see Appendix B.
- 12.7. All members of the Disciplinary Panel will be impartial and will have had no previous involvement with the case under consideration. The Servicing Officer will be in attendance to make a record of the panel meeting. The Chief Quality and Compliance Officer (or nominee) will also be in attendance to advise the Disciplinary Panel. The student may be accompanied to the panel meeting in accordance with paragraph 9.1.

- 12.8. A student who is the subject of an allegation of serious misconduct should receive a copy of the report of the Stage 1 investigation and the Student Disciplinary Procedure. The student should be provided, at least ten working days before any disciplinary meeting, with a copy of the written evidence to be presented. The student subject to the Disciplinary Panel should provide any supporting evidence or paperwork at least five working days in advance before any Disciplinary Panel meeting and provide details of any witnesses they wish to call during the panel meeting.
- 12.9. The Disciplinary Panel must be provided with all relevant paperwork for consideration five working days in advance of the Disciplinary Panel meeting.
- 12.10. The student against whom an allegation of misconduct has been made shall have the right to be present at any meeting of the Disciplinary Panel except the initial discussions and the final private meeting of the Panel. Those conducting the Panel shall decide whether or not the students who are the subject of disciplinary proceeding and any relevant witnesses or alleged victims shall appear together or separately in any hearing.
- 12.11. The student accused of misconduct will not be able to ask questions of any witnesses directly but may do so via the Chair of the Panel, who may at their discretion rephrase a question or decline to put it to the witness.
- 12.12. At the conclusion of the hearing, the Disciplinary Panel shall meet in private to consider its findings. The Disciplinary Panel may either:
 - 12.12.1. dismiss the case;
 - 12.12.2. uphold the allegation of serious misconduct; or
 - 12.12.3. not uphold the allegation of 'serious misconduct' but agree that misconduct has still occurred.
- 12.13. Where the Disciplinary Panel has found that misconduct, serious or otherwise, has occurred the Panel will recommend any relevant penalties (see paragraph 12.15).
- 12.14. A student's previous disciplinary record will not normally be relevant to whether they have committed an offence but may be taken into account in determining any penalty. If the Chief Quality and Compliance Officer decides that any previous offence is relevant, they will consider at what stage this information should be shared with the panel to ensure that it is not prejudicial to a fair outcome being reached.
- 12.15. The Servicing Officer, on behalf of the Disciplinary Panel, will prepare a report within five working days of the final meeting of the Panel, summarising the facts of the case and the Panel's decision, along with full notes of the Disciplinary Panel meeting. If the allegation of serious misconduct is upheld, the Panel may recommend, any or all, of the following penalties:
 - 12.15.1. No further action (allegation is upheld but no additional penalties are considered to be warranted).
 - 12.15.2. A formal apology is required to anyone directly affected by the misconduct of the student.

- 12.15.3. A formal written warning to be issued to the student to remain on the students file for an agreed period.
 - 12.15.4. A formal written warning to be issued to the student to remain on the students file in perpetuity and to be noted on any references provided for the student.
 - 12.15.5. Restrictions to be imposed on the student as determined by the Panel, e.g., access to certain parts of campus, communication with specific students/staff. The period of restriction to be determined by the Disciplinary Panel.
 - 12.15.6. Order restitution by the student to another student, a member of staff or the University itself, as appropriate, to compensate for any financial losses arising from the misconduct of the student.
 - 12.15.7. Suspend the student from attendance at the University. The period of suspension is to be determined by the Disciplinary Panel.
 - 12.15.8. Termination of studies, with or without an exit award.
- 12.16. The Servicing Officer will be responsible for communicating the Disciplinary Panel's decision to the student, in writing, within ten working days of the date of the hearing. The letter should include details of the review process that is available and the timeframe within which any request for review must be lodged.
- 12.17. Where the Disciplinary Panel recommends suspension or termination of studies, this will be approved by the Vice-Chancellor, as Chair of Senate, once all internal review procedures have been completed.

13. Stage 3: Review

- 13.1. A student has the right of appeal against the decision of a Stage 1 investigation or the Stage 2 Disciplinary Panel by requesting a review of a finding of guilt or against the penalty imposed by in writing to the Registrar and University Secretary within one calendar month of the conclusion of the proceedings, clearly stating the grounds of their appeal.
- 13.2. A student may submit an appeal on the following grounds:
- New evidence is available which was not available upon reasonable enquiry at the time of the Stage 1 investigation or Stage 2 Disciplinary Panel that may have a significant impact on the overall decision.
 - There was a procedural irregularity in the conduct of the disciplinary procedures.
 - The decision reached/penalty recommended was of such nature that it was one which no reasonable person could have reached on the available evidence.
- 13.3. In such cases, the Registrar and University Secretary will review all the case details and examine the findings of each stage of the Student Disciplinary Procedure. The Registrar and University Secretary will decide whether a case for review has been established and may make any of the following recommendations:
- 13.3.1. The request for review is not upheld and any previous sanctions/penalties remain;
 - 13.3.2. The request for review is partially upheld and new sanctions/penalties are

given;

13.3.3. The request for review is upheld and any previous sanctions/penalties are removed.

- 13.4. Where the Registrar and University Secretary determines that there has not been a fair hearing, they may decide to refer the case back to Stage 2 and another hearing will take place (with a new Disciplinary Panel, who have not been previously involved in the case).
- 13.5. Any decision and outcome made by the Registrar and University Secretary will be communicated to the student within ten working days of receipt of their request for review.

14. Completion of Procedures

- 14.1. The Quality and Compliance Office will issue a Completion of Procedures Letter to the student within ten working days of completion of Stage 3. The letter will confirm that the University's internal procedures have been exhausted and detail the actions the student should take should the student remain dissatisfied.
- 14.2. If, having exhausted the University's internal procedures, the student remains dissatisfied with the conduct of the review procedure or with the outcome of the review, they may refer the case to the Office of the Independent Adjudicator (OIA) as outlined within the Completion of Procedures Letter. Details may be obtained from the OIA website (<http://www.oiahe.org.uk>) or from:

OIA
Second Floor
Abbey Gate
57-75 Kings Road
Reading
RG1 3AB

15. Supplementary Provisions

- 15.1. Misconduct of students on placement
- 15.1.1. Many students undertake part of their programme on placements in a school or with another employer. During those periods students remain subject to the disciplinary procedure of the University and, in addition, they are required to adhere to the codes of conduct established by the employer. Any breach of these codes may be treated as misconduct under the provisions of these procedures. For this purpose, the staff, clients and property of the employer and, in the case of educational organisations, the students and pupils, will be regarded as the equivalent of those of the University. Any action which disrupts the normal activity of the employer's business or institution, or is liable to do so, will be treated in the same way as if the University's activities were similarly affected.
- 15.1.2. Programme teams should bring the Student Disciplinary Procedures to the

attention of employers and students taking part in placements. Whilst on placement, students will be expected to behave as a member of staff and there is a reciprocal expectation that they should be treated fairly as a member of staff by the employer.

- 15.1.3. A flow diagram detailing the procedures to follow upon an initial allegation of misconduct is included in Appendix C of this procedure. Detailed information on the process is outlined below.
- 15.1.4. Employers should report any case of alleged misconduct to the student's University Head of Programme Area without delay. In serious cases, the employer may exclude the student pending an initial enquiry.
- 15.1.5. The Head of Programme Area (or their nominee) will contact the Head of the placement setting to request an account of the incident in writing and will also contact the student to invite them to respond in writing to the allegation of misconduct. The Head of Programme Area should consult the Chief Quality and Compliance Officer in this process. The Head of Programme Area (or their nominee) will also conduct such other investigations as they see fit. An initial enquiry meeting will be held, chaired by the Head of Programme Area (or their nominee), normally within 5 working days, to consider the allegations and to take evidence from student. Prior to this, the Head of Programme Area (or their nominee) should inform the student that their behaviour is being investigated under the University's Disciplinary Procedures, and this information should normally be conveyed by letter to the student, in person. The Chief Quality and Compliance Officer should be consulted and can offer assistance.
- 15.1.6. The Head of Programme Area (or their nominee) will determine whether, based on first impression, a case of misconduct has been established. No finding of guilt will be reached at this stage and the Head of Programme Area (or their nominee) should avoid any statement which might be seen to prejudice the outcome of a full enquiry. Heads of Programme Area (or their nominee(s)) should be particularly careful to distinguish a case of misconduct from one in which the employer has expressed dissatisfaction with the student on the grounds of inadequate performance, even where that is due to neglect or inadequate preparation. The latter is a matter of academic and professional performance and, as such, should be considered by the relevant Module or Programme Board.
- 15.1.7. Where the Head of Programme Area (or their nominee) determines that a substantive case of misconduct has not been established, no further action will be taken. If mediation with the employer proves possible, the student will be able to resume the placement. If mediation is not practicable or if the Programme Leader determines that it would be in the best interests of the student to carry out the placement in a different setting, an alternative placement will be found as soon as reasonably practicable. The student's record would also be updated to show no fault on their part.
- 15.1.8. Where the Head of Programme Area (or their nominee) determines that there may be a case for misconduct, but this is not at the level which would

require a full disciplinary investigation into the student's actions, an alternative setting will be found at the discretion of the University. In such circumstances, it may take longer to find an appropriate setting willing to support the student. If the student wishes to appeal the decision that there was no misconduct on their part, the Head of Programme Area (or their nominee) will refer the student to Stage 3 of this procedure (see section 13).

15.1.9. Where the Head of Programme Area (or their nominee) determines that based on first impression a case of serious misconduct has been established, they will refer the matter to Stage 2: Student Disciplinary Panel for a full enquiry. The decision as to the type of misconduct which would require immediate action under the University's Disciplinary procedures will be for the discretion of the Head of Programme Area (or their nominee), taking advice from the Chief Quality and Compliance Officer. Examples of misconduct which may fall within this remit include acts which significantly affect others within the placement setting or put others at risk; or acts which appear intentional and sustained.

15.1.10. Should the student be found guilty of misconduct under the disciplinary procedures then there is no onus on the University to find an alternative placement for the student. Any arising implications of this on the student's ability to complete their programme of study will be taken forward by the relevant Programme Team.

15.2. Audio Recording

15.2.1. The audio recording of meetings or hearings under this procedure is normally prohibited, although this clause may be revisited in an individual case subject to such a reasonable adjustment as may be agreed by the University under the Equality Act 2010.

15.3. Conflict of interest

15.3.1. The Students' Union may offer a student support during the administration of this procedure. An alternative member of the Students' Union may be asked to sit on either the Disciplinary Panel or Review Panel during the application of this procedure. Care will be taken to minimise the potential conflict of interest which may occur.

15.3.2. Other members of academic or support staff may also have had previous involvement with the student prior to the disciplinary procedure being invoked. This will not preclude their involvement within the disciplinary case, though care will be taken to minimise any conflict of interest which may arise.

15.3.3. Due to the staffing arrangements within the University, the staff used to officer the Disciplinary Panel and Review Panel may be the same. The Role of the Officer is to remain impartial, record a report of the proceedings and advise on the procedure. In all cases, care will be taken to minimise any

conflict of interest.

15.4. Return to studies

- 15.4.1. Following a formal decision to interrupt or suspend a student from studies under the procedure, a Return to Study Review will be conducted within a 4 week period of the expected return to study date.
- 15.4.2. The Review will be conducted by the Head of Programme Area and will outline the expectations regarding the conduct of the student upon their return to study. Where necessary, one or more follow up meetings may be conducted with the student to discuss their progress.
- 15.4.3. The meeting will also assist the student in reintegrating with the University and ensure they have the adequate support in place to continue with their studies effectively.

15.5. Monitoring of procedures

- 15.5.1. The effectiveness of these procedures will be reviewed through the annual Contention Report received by the Senate.
- 15.5.2. The Chief Quality and Compliance Officer will prepare reports to the Senate and Audit Committee on the number and nature of disciplinarys which have been considered and the proportion which have been upheld. The People and Inclusion Committee will receive anonymised information on the protected characteristics of students investigated within this procedure and the number of disciplinarys which have been upheld or dismissed in each group.

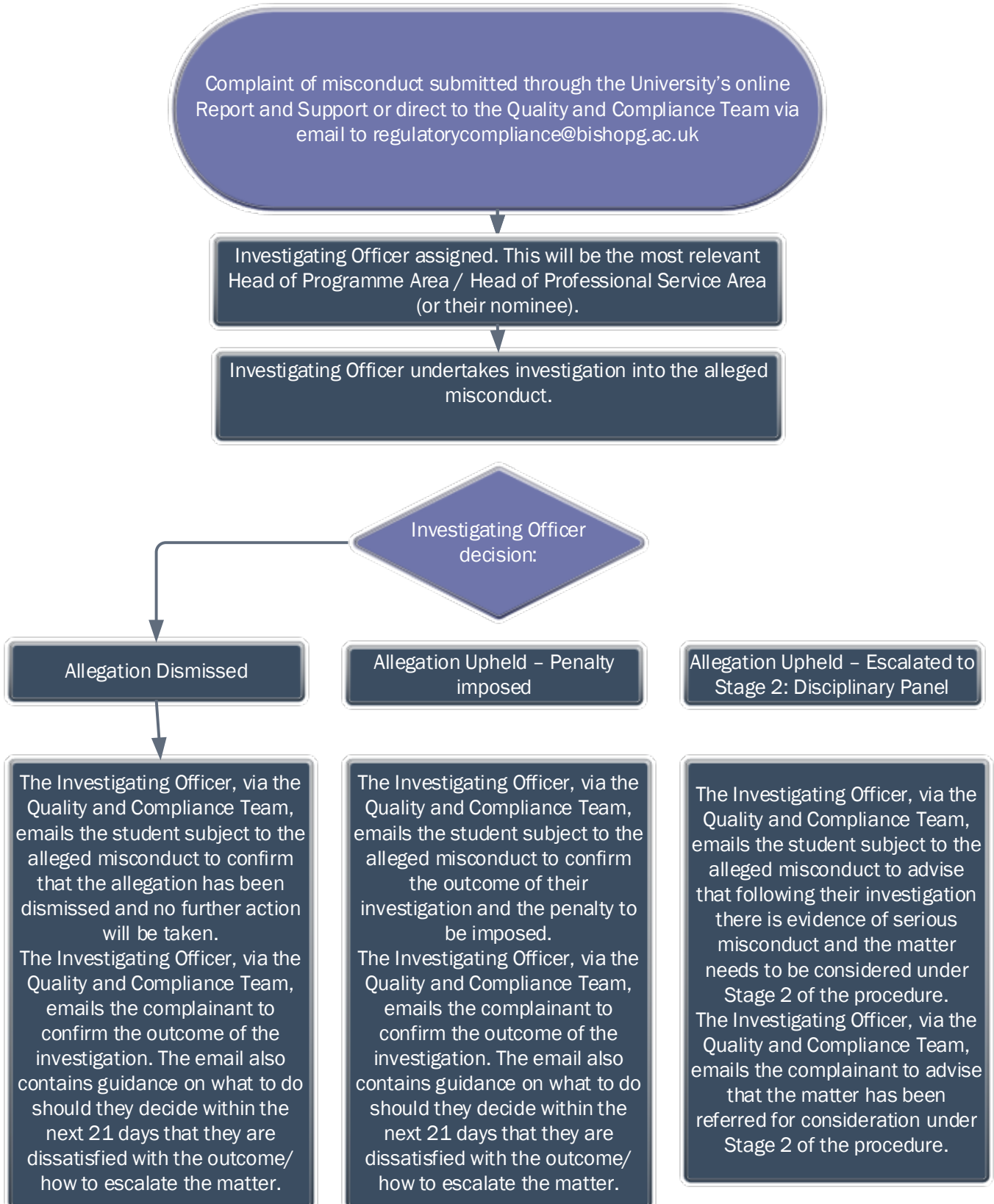
Appendix A: Guidance - Conduct of the Stage 1 investigation

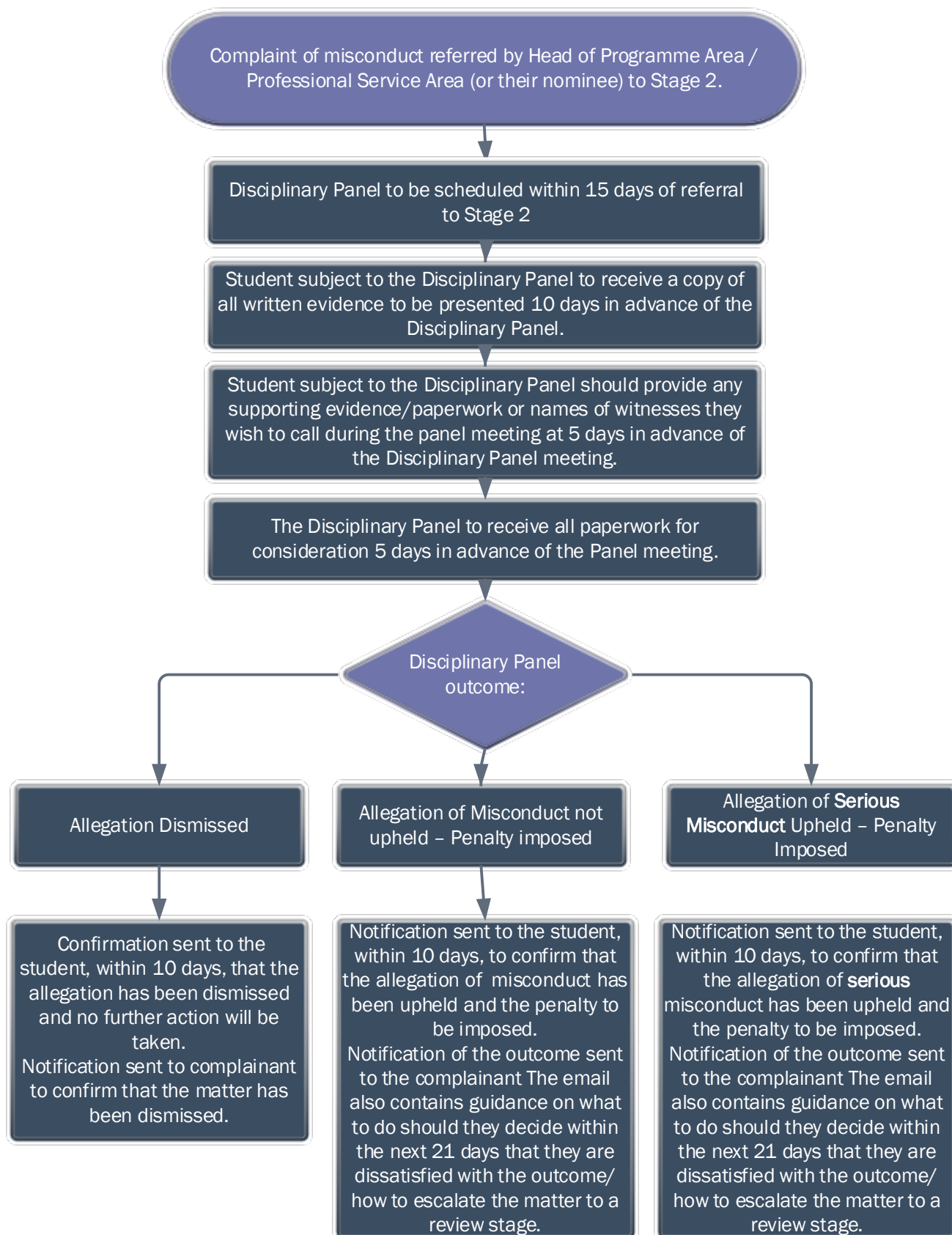
1. Where the allegation of misconduct is made via a complaint, the Investigating Officer shall normally invite the complainant to a meeting in order to gather information about the alleged misconduct. The complainant shall be given at least five working days' notice of the meeting; complainants have the right to be accompanied. The complainant may identify witnesses to be interviewed as part of the investigation.
2. The Investigating Officer shall normally invite the student alleged to have committed the act of misconduct to a meeting in order to gather information about the alleged misconduct. The student shall be given at least five working days' notice of the meeting and has the right to be accompanied by a friend or Student Union representative.
3. The student shall have the right to respond to the allegation and provide any evidence in support of their case, either in writing or at the meeting with the Investigating Manager. The student may also suggest witnesses to be interviewed as part of the investigation.
4. The Investigating Officer will decide how best and in which order to meet with the complainant and the student who is subject to the allegation, and may wish to meet with individuals on more than one occasion. The investigation will be conducted as quickly as practicable but it is important that all relevant information is gathered to inform the Investigating Officer's report.
5. Conduct of Stage 1 Investigation interview (The Investigating Officer has discretion to vary the practicalities of these arrangements as they see fit, provided any changes do not contravene the basic principles):
 - i. Introduce all person(s) present and confirm the purpose of the meeting; inform complainant/student subject to the allegation that they may take breaks where necessary.
 - ii. Provide an overview of the allegation and inform any person(s) present that they will be asked direct questions about the allegation.
 - iii. Invite the complainant/student subject to the allegation to present their case and any evidence.
 - iv. When asking questions avoid generalising and do not make assumptions: ask direct question to clarify any points and get specific details to establish all facts of the case.
 - v. Ask the complainant/student subject to the allegation if they are satisfied they have had a full opportunity to explain their case.
6. When the allegation is of any form of sexual misconduct, specific and tailored questioning is required. Examples and guidance for interviewing any person(s) involved in an allegation of sexual misconduct:
 - i. All possible efforts should be made to minimise further trauma. Acknowledge seriousness of allegation and thank any person(s) for taking the time to attend interview; acknowledge that the situation is stressful and signpost to Student Disciplinary Procedure internal/external support services.
 - ii. Be clear about the purpose of the interview, how the information will be used, and who will have access to it.
 - iii. Remain empathetic but neutral; simple validation of the person's feelings is more appropriate and effective.
 - iv. Explain that you are interested in hearing about the person's experiences, feelings, and thoughts during and since the alleged incident.
 - v. Though it may be uncomfortable, specific questions must be asked to establish the facts of the alleged sexual misconduct: what exactly happened? Where did it happen? How did it happen?

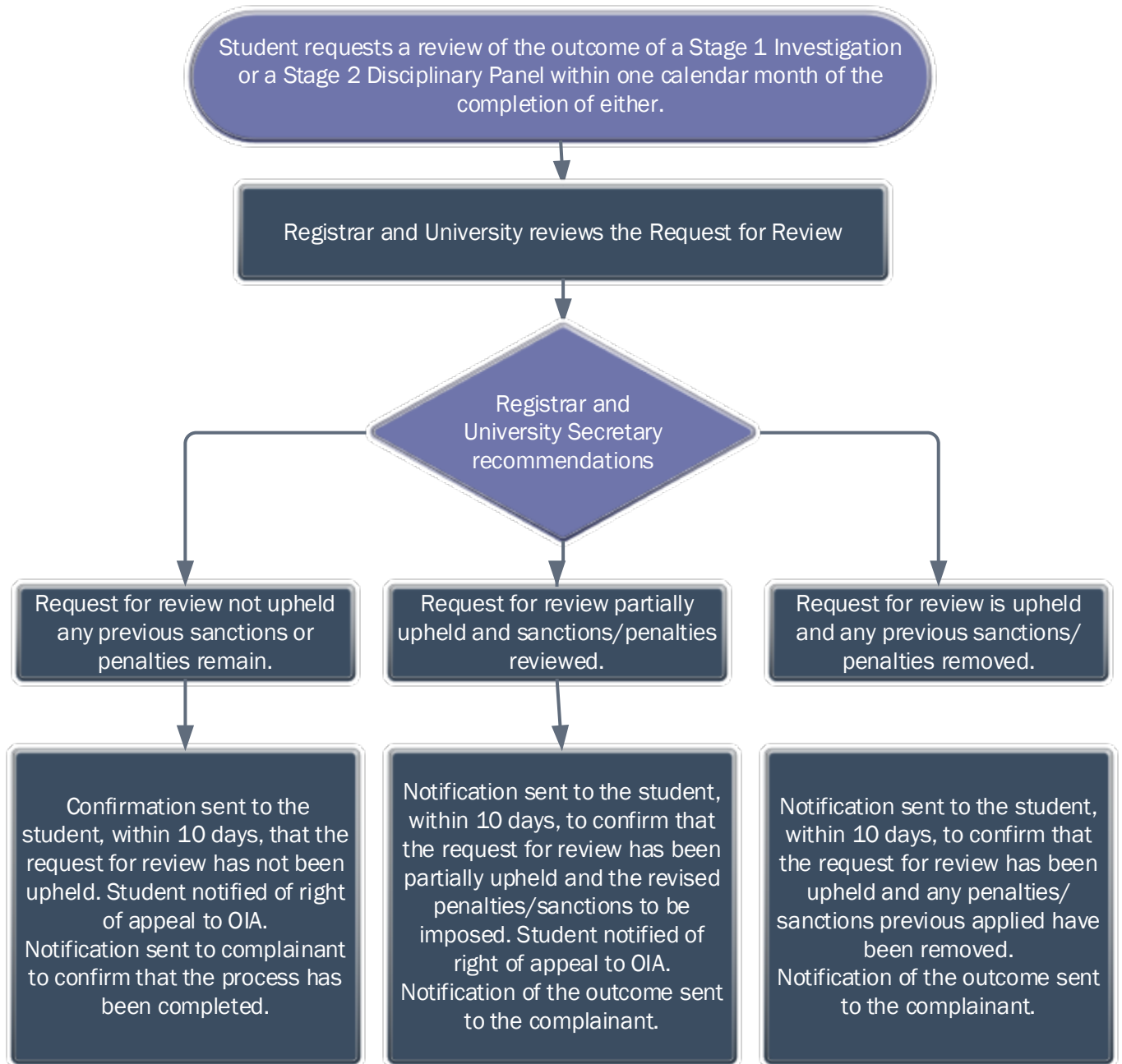
- vi. When the complainant is giving details of any sexual misconduct, facilitate this by using open-ended prompts to establish full details, avoid leading questions and allow them to set the pace of discussion.
- vii. Thank any person(s) for their testimony and conclude the meeting by again signposting to Student Advice and other relevant support services; be mindful of the person(s) state of mind and if any immediate support is necessary.

Appendix B: Guidance - Conduct of the Stage 2 Disciplinary Hearing

1. This section defines the steps which should be followed during the panel hearing itself. The Chair has discretion to vary the practicalities of these arrangements as they see fit, provided any changes do not contravene the basic principles.
 - i. Before seeing any of the parties involved, the Panel shall review the documentation relating to the case and have a preliminary discussion; the documentation should have been received by the panel 5 working days beforehand.
 - ii. The Chair shall invite everyone present to introduce themselves by name and explain their role.
 - iii. The Chair shall explain the role and powers of the Panel, as set out in these Procedures, confirm that all questions should be asked through the Chair and detail, where appropriate, the possible outcomes of the meeting and the timeframe with which this will be communicated to the student.
 - iv. The Chair will explain to the student and any accompanying person(s) that the student must speak for themselves and that the accompanying person(s) is present to act as support, only prompting the student where necessary, not directly speaking for them, unless prior notification has been received in accordance with paragraph 9.4;
 - v. The student (or their representative) will then be invited to present their case, talk through any statements or evidence and address the Panel directly;
 - vi. The Chair will then invite the Panel to ask any questions directly to the student (or their representative);
 - vii. The student (or their representative) shall be invited to make a concluding statement, including any mitigation with respect to possible sanctions;
 - viii. The Chair shall ask the student (or their representative) if they are satisfied they have had a full opportunity to explain the case to the Panel;
 - ix. The Chair shall conclude the hearing and ask everyone except members of the Panel to leave; the Chair will inform the student (or their representative) to expect the outcome in writing within the designated timeframe.
 - x. The Panel shall discuss the case in private. The discussion and minutes of the meeting of the Panel are confidential to its members;
 - xi. The Panel shall make its decision;
 - xii. If, for any reason during its discussion, the Panel decides that further evidence is required, they may adjourn the Hearing for this purpose.







Appendix D: Guidance - Suspension and exclusion pending a disciplinary hearing

1. A student against whom an allegation of misconduct has been made, may be suspended or excluded by the Registrar and University Secretary (or nominee), pending a disciplinary hearing.
2. Suspension normally involves a total prohibition on attendance at, or access to, the University, and on any participation in University activities. However, it may be subject to qualification, such as permission to attend for the purpose of an examination. Suspension should be used only where exclusion from specified activities or facilities would be inadequate.
3. Exclusion involves selective restriction on attendance at, or access to, the University, or prohibition on exercising the functions, or duties, of any office or committee membership in the University, or the Students' Union, the exact details of which are to be specified in writing to the student.
4. An order of suspension, or exclusion, may include a requirement that the student should have no contact of any kind with a named person, or persons. Suspension, or exclusion, pending a disciplinary hearing must not be used as a penalty. The power to suspend, or exclude, under this provision is to protect the members of the University community in general, or a particular member, or members, and the power shall be used only where the Registrar and University Secretary are of the opinion that it is urgent and necessary to take such action. Reasons for the decision shall be provided in writing recorded and made available to the student.
5. No student shall be suspended or excluded, pending a hearing, unless they have been given an opportunity to challenge the sanction. In cases of great urgency, the Registrar and University Secretary shall be empowered to suspend a student with immediate effect.
6. A decision to suspend, or exclude, from academic activities associated with a student's course of study, shall be subject to review, at the request of the student, where it has continued for four weeks. Such a review will not involve a hearing or submissions made in person, but the student shall be entitled to submit written representations. The review will be conducted by the Registrar and University Secretary.