Reg. 23 Student Disciplinary Offences

Amendments to Regulation 23 were last approved by Senate at its meeting on 25 June 2025, with immediate effect. Final changes approved by Senate at its meeting on 25 June 2025 were made on 1 October 2025

Regulation Governing Student Misconduct and Student Misconduct Panels

(1) Definitions

1.1 Misconduct is defined as improper interference in the broadest sense with the proper functioning or activities of the institution, or with those who work or study in the institution, or action which otherwise damages the institution whether on University premises or elsewhere. (Examples of misconduct can be found hereLink opens in a new window.)

1.2 The standard of proof is the level of proof required to determine whether or not an incident occurred. In the civil law the standard of proof is based on the 'balance of probability'. This is the standard of proof used by the University.

1.3 Balance of probabilities means that the University is satisfied that an event is more likely to have occurred than not. Decisions are based on all available evidence and not simply a belief that something is likely to have happened.

1.4 'Without prejudice' means that there is no implication of admission or liability.

(2) Basis of Jurisdiction

2.1 All students of the University are subject to the jurisdiction of the Vice-Chancellor and the Senate, both in respect of their studies and their conduct, both on and off campus, whilst an enrolled student.

2.2 Nothing in this Regulation or subsidiary policies shall be interpreted such that it would amount to illegitimate interference in students' human rights under the European Convention on Human Rights, including the rights to lawful freedom of expression, association, and assembly.

2.3 Where any offence committed under any Ordinance or Regulation, Policy or Code is considered as falling within the definition of misconduct set out in section (1) 1.1 it will be dealt with under this Regulation. This will include, but is not limited to misconduct under the following:

- Regulation 11 Procedure to be adopted in the Event of Suspected Cheating in a University Test (effective before 4 October 2021); Regulation 11 Academic Integrity (effective after 4 October 2021)
- Regulation 22 Library Regulations
- Regulation 26 Safety Regulations

- Regulation 27 On-Campus Residential Accommodation Regulations
- Regulation 29 Regulations Covering Freedom of Speech
- Regulation 31 Information Management, Security and Records Management
- Dignity Principles
- Policy on the Use of Lecture Recordings and Transcripts of Teaching Material and Recording of Teaching Sessions by Students
- Policy on Parking and Traffic in the University
- Safeguarding Policy
- Sexual Misconduct and Relationship Abuse Policy
- Data Protection Policy
- Online and Social Media Communications Policy

2.4 Offences which take place on licensed University premises may also be subject to additional action by the licensee, who has a legal duty not to permit drunken, violent, quarrelsome or disorderly conduct to take place on the premises. This may include a ban from the premises.

2.5 The Students' Union operates separate disciplinary regulations to which its members are also subject.

2.6 Where a disciplinary sanction is imposed on a student under these regulations for misconduct and that student has another status within the University, for example they are employed by the University, the Registrar or their nominee (who may also be referred to as the Authorised Officer) will consider whether any further action is required.

2.7 Where at any point in the disciplinary process there is concern about a student's health or capacity to study the Registrar may refer the matter either to be dealt with through the University's Fitness to Attend Protocol or by direct referral to a Continuation of Registration Panel in accordance with Regulation 36 (Regulations governing Student Registration, Attendance and Progress). In a case referred directly to a Continuation of Registration Panel the disciplinary process will normally be suspended until the Registrar determines that it should be reactivated.

2.8 Where a student is enrolled on a degree apprenticeship, the University reserves the right to notify the employer if the apprentice is involved with a student disciplinary process.

(3) General Principles

3.1 Any University role named in this Regulation may appoint a nominee to act on their behalf, and references to that officer will be taken to include reference to such a nominee.

3.2 No-one involved in deciding an appeal under this Regulation will have had prior involvement with the disciplinary case.

3.3 A student under investigation who is alleged to have committed misconduct under this Regulation will always be specifically informed of the details of the alleged offence and be given the opportunity to defend themselves.

3.4 Where an allegation of misconduct has been made the reporting parties and responding students may be accompanied at any meeting with the Authorised Officer, the Investigating Officer, or any misconduct or appeal hearing by a support person who can be their Liaison Officer (if one has been assigned), another student from the University, family member or friend, a member of staff from the University or Students' Union who has not been part of the complaint/case or a legally qualified person. Save in cases of serious misconduct, the student will be expected to speak on their own behalf unless an alternative has been agreed as a reasonable adjustment. If a student wishes to have a legally qualified person represent them, they will need to apply for permission as set out at 3.7 below.

3.5 The Director of Conduct and Resolution and Chair reserve the right to refuse the attendance of a support person or representative to an investigation meeting or hearing (respectively) if it is determined that there is a conflict of interest relating to that person, in which case, the student will be given the opportunity to nominate a different support person.

3.6 The University of Warwick's procedures are not legal in nature. However, students are free to seek legal advice prior to or post any investigating meeting or misconduct hearing, including attendance at the meetings or hearings. This would be at their own cost, should they wish.

3.7 If a student opts to have a legally qualified person represent them at an investigating meeting or a misconduct hearing, they must apply for permission in writing. The University reserves the right to accept or refuse a request, depending on the complexity and seriousness of the case and therefore whether the requirements of natural justice warrants such representation.

3.8 Where a responding student has been given due notice of a hearing or investigation meeting and does not appear and/or has not provided a satisfactory explanation for their absence, the Panel or Investigating Officer may proceed to deal with the case and if appropriate, impose an appropriate sanction in their absence.

3.9 The reporting student(s) (where there is one) must usually attend the Student Misconduct Panel, for it to proceed. The reporting student will normally be expected to speak on their own behalf and to answer any reasonable questions raised by the responding student, or their representative, or the Panel members or the University Officer. Questions from the responding party or their representative will be directed through the Chair of the

Student Misconduct Panel and will be similarly answered through the Chair. Exceptions will be made where they are agreed as a reasonable adjustment.

3.10 The Student Misconduct Panel and the Student Misconduct Appeals Panel will also be subject to any further University guidelines approved by Senate. Subject to the terms of this Regulation and any procedural guidelines, the Chair of the Panel has the power to determine their own procedure for hearing a case, always providing that they observe the rules of natural justice at each stage. The Chair of the Panel has the discretion to postpone, continue or adjourn the case.

3.11 Both the student and the University may call witnesses to give evidence at any misconduct hearing, provided that details of witnesses (and copies of any written evidence or other documents) are provided, normally, at least five working days in advance of the date of the hearing.

3.12 In all cases a written record of the proceedings will be kept.

3.13 The student will be notified in writing of the outcome of any formal disciplinary process under this Regulation, normally within six University working days of the Panel reaching its decision.

3.14 In cases where the allegation is admitted or on the balance of probabilities the allegation is found to have occurred, a record of the misconduct and of the sanction will be filed in the office of the Registrar, the Academic Registrar and on the student's University record.

3.15 The outcome of any misconduct or appeal hearing will include a determination as to the length of time during which the decision will be retained on the student's University record and during which, for instance, might be highlighted in any reference requested during that period. Where the student has been either temporarily or permanently withdrawn on the grounds of disciplinary action, this will form part of the student's formal record and transcript.

3.16 The University may vary any part of this Regulation in order to comply with its duty to make reasonable adjustments for people with disabilities.

3.17 Where a student has another status within the University, for example, they are employed by the University, a decision will be made as to which process (staff or student) the case will follow. Facts of the investigation may be shared with People Team or the Students' Union who will not reinvestigate the alleged offence but may take their own actions based on the investigation report or outcome.

3.18 Where a final year student is the subject of an investigation under Regulation 23 but a Student Misconduct Panel is not held to consider the case before the end of the academic year, the case will be suspended and reopened should the student re-enrol. Depending on the severity of these allegations (normally covered by a Precautionary Action) and the

progress of the case, the Director of Conduct and Resolution may also determine that the student should not attend their graduation. The student may appeal this decision in writing to the Vice-Chancellor.

3.19 Where the student is registered on a course which falls within Regulation 34 (Regulation for the Determination of Fitness to Practise) the Student Misconduct Panel must in addition refer the matter to be dealt with in accordance with that Regulation. Cases considered under Regulation 34 may also be considered under this Regulation where appropriate and as determined by the Registrar (or their nominee) in consultation with the relevant academic department.

3.20 The University has a legal duty to consider a referral to the Disclosure and Barring Service in circumstances where students are following a course at the institution that involves regulated activity, and the University either withdraws permission for a person to engage in regulated activity with children and/or vulnerable adults, or they are moved to an area that doesn't involve regulated activity. The referral is subject to conditions that will be considered by the Director of Wellbeing and Safeguarding as the University's Designated Safeguarding Lead.

3.21 The University has a legal duty to consider a referral to the Local Authority Designated Officer in circumstances where students are in a Position of Trust where they have behaved in a way that has harmed a child; possibly committed a criminal offence against or related to a child; behaved towards a child or children in a way that indicates that he or she would pose a risk of harm if they work regularly or closely with children and/or behaved or may have behaved in a way that indicates they may not be suitable to work with children. The referral is subject to conditions that will be considered by the Director of Wellbeing and Safeguarding as the University's Designated Safeguarding Lead.

3.22 The University complies with the Office for Students Condition E6 on Harassment and Sexual Misconduct.

(4) Precautionary Action

4.1 Where a student's alleged misconduct may be considered to pose a risk to other members of the University community, or where a student's continued access to University facilities may interfere with the investigation of an allegation, the student may, at the Vice-Chancellor's discretion, be suspended from classes, be excluded from any part of the University or the University as a whole, or be issued with a no contact order, pending the conclusion of any action under these regulations and/or any criminal proceedings. This action is not a sanction and is 'without prejudice'. It is used to protect the individuals concerned, the wider University community or the reputation of the University.

4.2 The reasons for the action will be put in writing and will be subject to periodic review with the student being informed if the outcome of any such review changes any terms of the

action. The student may request a review or may appeal the precautionary action and/or conditions imposed if there is a relevant change in their circumstances. The request must be made in writing to the Vice-Chancellor (or their nominee), who will ensure a response is provided within ten University working days.

4.3 Where a precautionary action is imposed on a student under these regulations and that student has another status within the University, for example they are employed by the University, the Registrar or their nominee will consider whether any further action is required.

(5) Criminal Conduct

5.1 The fact that criminal proceedings have been instituted or have concluded does not preclude the University from taking its own disciplinary action, if it is thought appropriate to do so.

5.2 The fact that the Police are unable or unwilling to proceed does not preclude the University from taking its own disciplinary action.

(6) Reported Misconduct that Requires Investigation

6.1 When an allegation has been reported, the Director of Conduct and Resolution will decide whether a disciplinary route will be taken and appoint an Investigating Officer (IO). The IO will have the power to carry out such investigations as they deem appropriate, including interviewing those involved and any other witnesses.

6.2 Having received the IO's report, the Director of Conduct and Resolution or the Student Discipline Review Group (SDRG) will determine whether further investigation is necessary, whether the allegation should be heard by a Student Misconduct Panel, whether a sanction can be applied without the case being heard, or whether the investigation should be stopped.

(7) The Student Misconduct Panel

7.1 The Student Misconduct Panel deals with misconduct referred to it by the Director of Conduct and Resolution or the SDRG due to the severity and type of the allegation in cases where either:

(i) the student has accepted the allegation and is presenting mitigation or

(ii) the student has rejected the allegation

7.1.1 The ability of the Director of Conduct and Resolution or the SDRG to request an investigation and/or convene a Student Misconduct Panel to hear a case of alleged misconduct or hold a mitigation hearing also applies to cases referred by the Students' Union or a license holder of a venue on the University's campuses.

7.2 The membership of the Student Misconduct Panel is set out on the University's Committee webpages. The Panel is normally chaired by a Pro-Vice Chancellor, Deputy Pro-Vice-Chancellor or an appointed Chair, approved by the Vice-Chancellor or their nominee. It has up to five other members of University staff and student members, normally Student Union Sabbatical Officers, on it.

7.3 The quorum of the Student Misconduct Panel is three members, the Chair plus at least one student member and one member of University staff.

(8) Sanctions

8.1 The Student Misconduct Panel may impose one or more sanctions, taking into account the specific allegations, the particular features of the case, the relevant mitigation brought forward and in certain cases any impact statement provided by the reporter(s). The sanctions available to the Panel range from a fine or formal reprimand through to suspension or expulsion from the University.

8.2 The Student Misconduct Panel may suspend the implementation of any sanction subject to conditions notified to the student.

(9) Right of Appeal

9.1 Student Misconduct Appeals Panel of the Senate

9.1.1 The membership of the Student Misconduct Appeals Panel is set out on the University's Committee webpages. The Panel is normally chaired by the Provost and has up to five other members of University staff / Students' Union Sabbatical Officers on it.

9.1.2 The quorum of the Student Misconduct Appeals Panel is three members, the Chair plus at least one student member and one member of University staff.

9.2 Both the reporting and responding parties have the right of appeal, to the Student Misconduct Appeals Panel, once the Student Misconduct Panel final outcome letter, with any sanctions, has been issued.

9.2.1 The Student Misconduct Appeals Panel will consider appeals made on the following grounds:

a) that there was a material irregularity or failure in procedure in the conduct of the original hearing;

b) that there appears to be evidence of prejudice or of bias during the original hearing;

c) that relevant new evidence has come to light which either party had a good reason for being unable to present either to the IO, University Officer or Student Misconduct Panel prior to or during the original hearing which may make a material difference to the finding or sanction applied.

9.2.2 Appeals shall be considered initially by the Chair of the Student Misconduct Appeals Panel in consultation with at least one other member of the Panel to establish whether a prima facie case for appeal exists. Appeals shall not be considered where, in the opinion of the Chair and the consulted members of the Student Misconduct Appeals Panel, the appellant has failed to bring the appeal within any of the grounds listed in paragraph 9.2.1 above.

9.2.3 The decision of the Student Misconduct Appeals Panel is final and is the end of the internal disciplinary process.