

23 Disciplinary Regulations

(1) Basis of Jurisdiction

All students of the University are subject to the jurisdiction of the Vice-Chancellor and the Senate, in respect both of their studies and their conduct.

(2) These regulations deal with student misconduct which 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.

(3) Offences under other Regulations and Codes.

Offences under Ordinances and other Regulations and Codes may be dealt with under the Disciplinary Regulations where stated in those Regulations and Codes, or where the Registrar considers the gravity of the offence requires such action. These include:

Ordinances

17 Ordinances on Parking and Traffic in the University

18 Ordinances on Safety in The University

Regulations

11 Regulations governing the Procedure to be Adopted in the Event of Suspected Cheating in a University Test

22 General Library Regulations

25 Regulations on Parking and Traffic

26 Safety Regulations

27 Residential Accommodation Regulations

29 Regulations governing Meetings on University Premises

31 Regulations governing the use of University Computing Facilities

Codes

Sexual, Racial and Personal Harassment: Guidelines for Students

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

The Students' Union operates separate disciplinary regulations to which its members are also subject whilst in premises managed by the Union.

(4) The Discipline Committee

(a) The Discipline Committee deals with major offences and appeals from decisions of authorised University officers in the case of minor offences.

(b) The membership of the Discipline Committee is as set out below; the quorum of the Committee is three members:

Chair – normally a Pro-Vice-Chancellor (appointed by the Vice-Chancellor)

Three further members of the Senate (appointed by the Vice-Chancellor)

Two student members (normally a sabbatical officer of the Union of Students and one other student whose names shall be communicated to the Registrar by the President).

(c) The Vice-Chancellor, Deputy Vice-Chancellor and the Pro-Vice-Chancellor potentially designated to serve as Chair of the Appeals Committee of the Senate are not members of this Committee, and an officer authorised to deal in the first instance with minor offences is precluded from membership where an appeal from a decision made by him/her in the case of a minor offence is being heard.

(d) The Senate has authorised certain University officers (see section (6)) to deal, in the first instance, with minor offences.

(5) Appeals from Discipline Committee

(a) Appeal from any decision of the Discipline Committee lies to the Appeals Committee of the Senate, within ten days of the promulgation of the Committee's decision.

(b) The membership of the Appeals Committee is as follows:

Chair – the Deputy Vice-Chancellor or a Pro-Vice-Chancellor acting on behalf of the Vice-Chancellor

Three further members of the Senate appointed by the Senate

Two student members (normally a sabbatical officer of the Union of Students and one other student whose names shall be communicated to the Registrar by the President).

The Chair and members of a Discipline Committee may not serve as members of the Appeals Committee for that case.

(6) Minor Offences: Jurisdiction

(a) The following officers or their deputies may deal with minor offences:

The Pro-Vice-Chancellors

The Registrar

The Librarian who will exercise his/her power only in matters relating to the library.

The Wardens and Resident Tutors of the student residences who will exercise their power only within students residences and their immediate confines.

The Director of Information Technology Services who will exercise his/her disciplinary powers only in relation to the University's computing facilities as defined in Regulation 31.

(b) The penalties which may be imposed by the foregoing officers will not exceed what is prescribed in the appropriate regulations (e.g. Library or Hall), or in the absence of specific regulation, a fine of an amount not exceeding £100.

(c) Where appropriate the Officer concerned may require an individual to make and attend an appointment for counselling or medical treatment, a requirement to undertake community service, a reprimand or suspension of privileges for a period not exceeding one term, or a requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss to the University, or any or all of these. The limits of these penalties may be reviewed periodically by authority of the Senate.

(d) Resident members of staff in the Halls of Residence are empowered to fine up to £25 for anti-social conduct (e.g. causing a public nuisance by drunkenness or disorderly conduct, selfish use of radios, ignoring of silence hours) and to require a student to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss to the University. Wardens, in addition to dealing with minor offences as 'authorised officers' under these Regulations, are empowered to sit with two students and two members of the resident tutorial staff to hear appeals against the decisions taken by resident tutorial staff.

(e) A fine of £10 will be imposed automatically upon any individual found in possession of a shopping trolley on the University Campus.

(f) Anti-social conduct, including causing a public nuisance by drunkenness or disorderly conduct, is normally to be regarded as a minor offence and will attract a penalty as defined above.

(7) Minor Offences: Procedure

(a) In all cases, the individuals concerned are to be specifically informed of the details of the alleged offence, and given the opportunity of defending themselves. Where a student does not appear on the date appointed and the University's authorised officer is satisfied that he/she has received notice to appear, the University's authorised officer may proceed to deal with the charge and if necessary, impose an appropriate penalty in the absence of the student. The Authorised Officer also has the power to postpone, continue or adjourn the case on cause shown at his/her discretion.

(b) In cases where guilt is admitted or proved, a record of the offence and of the sentence will be filed, by the officer concerned, in the office of the Registrar of the University.

(c) When responsibility is admitted, the University's authorised officer's decision is final subject to the right of appeal to the Vice-Chancellor, within ten days, in mitigation of penalty. The note of appeal must state briefly the grounds upon which the appeal is made.

When responsibility is denied, and if the student is not prepared to accept the University's authorised officer's decision, he/she has the right to appeal in writing to the Vice-Chancellor within ten days of the decision. The note of appeal must state briefly the grounds upon which the appeal is made.

In both cases, if the Vice-Chancellor considers the grounds for appeal to be inadequate, he/she may decide not to proceed with the appeal.

(d) The date and place of the hearing of the appeal will be notified in writing to the student not less than five days in advance of the hearing and the Committee shall have the same powers of postponement, continuation or adjournment as in section (7)(a). The student will be informed that, unless he/she expresses a wish to the contrary before the date of the hearing, students will sit as members of the Committee.

(e) In all cases of appeal to the Discipline Committee, the student has the right to be accompanied at the hearing by any one

other person.

(f) The Discipline Committee in such cases will, as soon as practicable after receipt by the Registrar of the note of appeal, call on the University officer concerned for a brief report, in writing, of the circumstances of the case. This report will also be submitted to the student in advance of the hearing.

(g) The student may be allowed to call or present fresh evidence at the discretion of the Committee.

(h) The Committee has the power to call any witness who has given evidence before the officer concerned or to call before it additional witnesses and to admit new evidence.

(i) In all cases of appeal before the Discipline Committee, the appellant shall be heard first, and thereafter the University officer or his/her representative. Where witnesses are called, they shall be subject to examination, cross-examination and re-examination by the parties.

(j) The student and anyone representing or accompanying him/her and the University officer or his/her representative will withdraw while the Committee considers its decision, and return to hear it delivered.

(k) If the Committee rejects an appeal against a University authorised officer's decision the student shall be heard in mitigation before any penalty is determined. In determining the penalty the Committee may take into account any record of previous misconduct.

(l) In determining appeals, the Discipline Committee may set aside, vary or confirm the decision of the officers or may set aside or vary the penalty imposed.

(m) In all cases a Minute of the proceedings will be kept, and, where appropriate, a precis of the statements of witnesses.

(8) Major Offences: Jurisdiction

(a) In all cases where in his/her opinion the gravity of the offence appears to warrant it or the appropriate penalty might be beyond the limit fixed for a minor offence, the University officer to whom the case has been reported is obliged to report the case to the Registrar. It shall be the responsibility of the Registrar to determine whether the case shall be considered under the Major Offences procedure.

(b) Examples only of what would normally be regarded as major offences are:

(i) offences in connection with degree, diploma or certificate examinations;

(ii) falsification or serious misuse of University records, including degree or diploma certificates;

(iii) false pretences or impersonation of others, within or without the University, in connection with academic attainments or financial awards;

(iv) theft, fraud, misapplication of or gross negligence in connection with funds or property of any kind;

(v) riotous or disorderly conduct causing serious damage to or on University property or premises or seriously affecting good order within or without the University;

(vi) offences against the criminal law, where these offences involve other students or directly affect the interests of the University.

(vii) conduct, which, by whatever means, seriously disrupts or prejudices the work of other members or employees of the University or the carrying out of University business.

(c) The penalties which may be imposed in respect of major offences may include reprimand, fine, a requirement to make and attend an appointment for counselling, medical treatment, or community service, suspension from academic or other privileges, rustication (ie complete suspension of student status and exclusion from campus for a fixed period) or expulsion from the University as well as (in the case of damage to property or premises) requirement to make good that damage in whole or in part, and/or repay/make good any financial loss to the University or any or all of these. The most serious offences, such as assaulting University staff in the course of their duties, shall normally warrant the most severe of penalties, ie expulsion from the University.

(9) Major Offences: Procedure

A student who has committed a major offence may be suspended from classes, precincts or the university as a whole, at the Vice-Chancellor's discretion, pending a disciplinary hearing or criminal trial. This suspension is not a sanction, but may be used to protect the University community or reputation or a particular member or members of the University. The reasons for the suspension will be put in writing and will be subject to periodic review.

(a) A student charged with a major offence will receive a written summons, giving a brief but clear specification of the charge and calling upon him/her on at least ten days' notice to appear before the Discipline Committee. If the student does not appear on the date appointed and the Discipline Committee is satisfied that he/she has received due notice to appear, the Discipline Committee may proceed to deal with the charge and, if necessary, impose the appropriate penalty in his/her absence.

Together with the written summons, the student will be notified that:

(i) unless he/she expresses a wish to the contrary before the date of the hearing, students will sit as members of the Discipline

Committee.

(ii) if he/she wishes to lodge an objection to any member of the Discipline Committee (whose names will be communicated to him/her) he/she must lodge the objection with the Registrar not less than forty-eight hours before the hearing, with an explanation of the grounds for objection.

(iii) he/she may call such witnesses in defence as he/she may think fit, and shall inform the Registrar in advance of the date of hearing of the names of his/her witnesses.

(iv) he/she may be accompanied by any one other person.

(v) he/she should approach his/her Personal Tutor, the Senior Tutor or Warden, for advice as to procedure and the action which he/she may take.

(b) The Discipline Committee will itself decide on any objections to its members lodged by the student charged.

(c) In the event of the student wishing to admit the charge, he/she may do so in writing to the Registrar of the University on receipt of the summons. He/she shall be heard in mitigation before any penalty is determined.

(d) If the student wishes to challenge the charge, he/she shall do so in writing to the Registrar of the University at least three clear days before the date fixed for the hearing and the question shall be decided by the Discipline Committee at that date. If the charge is found to be properly brought, the Discipline Committee shall proceed directly to hear the charge.

(e) In the event of the student denying the charge, the University's case will be presented by the Registrar or a member of the Registrar's staff appointed by him/her. Witnesses may be called in support of the case and their names shall be made available to the student prior to the hearing.

(f) The evidence on behalf of the student (should he/she wish to give evidence) will then be heard.

(g) Witnesses may be cross-examined and re-examined.

(h) Both the student and the member of the University staff presenting the case shall be allowed to make a final address, the student having the last word.

(i) The student and anyone representing or accompanying him/her and the members of the University staff presenting the case will withdraw while the Committee considers its decision, and return to hear it delivered.

(j) If the Committee finds the charge proved, the student shall be heard in mitigation before any penalty is determined. In determining the penalty, the Committee shall take into account any record of previous misconduct.

(k) The student may admit the charge or part of it at any stage of the proceedings.

(l) The Discipline Committee shall have power to adjourn, continue or postpone a hearing on cause shown or in its discretion.

(m) In all cases, a Minute of the proceedings will be kept and where appropriate, a precis of the statements of witnesses.

(10) Procedure for Appeal to the Appeals Committee of the Senate

(a) After the decision of the Discipline Committee has been made, the student will be allowed ten days in which to make an appeal (in writing, to the Registrar, acting on behalf of the Vice-Chancellor) for a hearing by the Appeals Committee of the Senate. The appeal may be either against the decision of the Discipline Committee or against the penalty and should state briefly the grounds on which it is made. If the Registrar considers the grounds for appeal to be inadequate he may decide not to proceed with the appeal.

(b) When an appeal has been notified, the Appeals Committee (through the Registrar) will summon the appellant to a hearing allowing at least ten days for preparation of his/her case. At the same time, the appellant will again be informed that he/she is entitled to be accompanied by any one other person.

(c) The appellant will be provided with a copy of the Minute of the proceedings of the Discipline Committee. The Discipline Committee may prepare its own report to the Appeals Committee in addition to the Minute of proceedings, with such comments as it may wish to make on the reliability of evidence. This report will also be made available to the appellant.

(d) The Appeals Committee has power on cause shown to permit the appellant to call or present additional evidence in which event the member of the Registrar's staff responsible for the presentation of the case may be permitted to call or present further evidence to meet any new or additional issues raised by the appellant.

(e) At the hearing, the appellant will be the first party to address the Committee.

(f) The member of the Registrar's staff appointed to speak to the charge will then address the Committee.

(g) If additional witnesses are permitted to be called on behalf of the appellant, they will be liable to cross-examination. Any additional witness called by the member of the Registrar's staff will also be liable to cross-examination. Additional witnesses will also be subject to re-examination.

(h) The appellant and anyone representing or accompanying him/her and the member of the Registrar's staff will withdraw while the Committee considers its decision, and return to hear it delivered.

(i) In the case of an adverse decision (except in appeals solely against penalty) the appellant may make a plea in mitigation of penalty.

(j) The Appeals Committee has power to confirm, set aside or vary a finding or decision of the Discipline Committee or to set aside or vary any penalty imposed by the Committee.

(11) Criminal Proceedings

(a) In cases where it is thought that a student may be involved in criminal conduct, it is the duty of any member of the University to whose attention the matter is drawn to report it to the Registrar of the University.

(b) The fact that criminal proceedings have been instituted does not preclude the University from taking its own disciplinary action, if it is thought fitting or necessary to do so.

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