

Reg. 23 Student Disciplinary Offences

(1) Definition of Misconduct

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.

1.2 Misconduct is classed as either minor or major depending on the seriousness of the alleged offence, and the specific procedures for each are set out below.

1.3 Examples only of offences which would normally be regarded as minor offences are:

- a first or single breach of University regulations or policies e.g. smoking in non-designated areas, ignoring fire alarms, bringing a shopping trolley onto campus;
- refusal to respond to reasonable requests by University staff;
- anti-social conduct, including causing a public nuisance by drunkenness or disorderly conduct;
- minor damage to property.

1.4 Examples only of what would normally be regarded as major offences are:

- a serious or persistent breach of University regulations or policies;
- repeated or persistent minor offences, or multiple concurrent minor offences;
- refusal to pay a fine or observe another penalty imposed under these regulations;
- repeated parking offences;
- offences in connection with degree, diploma or certificate examinations;
- falsification or serious misuse of University records, including degree or diploma certificates;
- false pretences or impersonation of others, within or outside the University, in connection with academic attainments or financial awards;
- theft, fraud, misapplication of or gross negligence in connection with funds or property of any kind;
- assault or causing physical harm;
- threatening, offensive or indecent behaviour;
- riotous or disorderly conduct causing serious damage to or on University property or premises or seriously affecting good order within or outside the University;
- offences against the criminal law, where these offences involve other students or directly affect the interests of the University;
- bullying, harassment or other breach of the Dignity at Work and Study Policy;
- conduct which, by whatever means, seriously disrupts or prejudices the work of other members or employees of the University or disrupts members of the public using University premises;
- conduct which, by whatever means, interferes with the normal operation of the University's business or which is likely to bring the University into disrepute.

1.5 The most serious offences, such as assaulting University staff in the course of their duties, shall normally warrant the most severe of penalties, i.e. expulsion and permanent withdrawal from the University.

1.6 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.

(2) Basis of Jurisdiction

2.1 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.

2.2 This Regulation deals with student misconduct as defined in section 1 above. Offences under Ordinances and other Regulations, Codes and Policies may be dealt with under this Regulation where stated in those Regulations and Codes, or where the Registrar considers the gravity of the offence requires such action, but normally would be dealt with under the most relevant Ordinance, Regulation or Policy. Those include, but are not limited to:

- Ordinance 17 Parking and Traffic in the University
- Ordinance 18 Health and Safety in the University
- Regulation 11 Procedure to be adopted in the event of suspected cheating in a University test
- Regulation 22 General Library Regulations
- Regulation 25 Parking and Traffic
- Regulation 26 Safety Regulations
- Regulation 27 Residential Accommodation Regulations
- Regulation 29 Meetings on University Premises
- Regulation 31 Use of University Computing Facilities
- Dignity at Work and Study Policy
- Policy on recording of lectures by students

2.3 Offences which take place on licensed University premises may also be subject to 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.

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

2.5 Where a disciplinary penalty is imposed on a student in accordance with these regulations for a major offence and that student is also an employee of the University or any of its subsidiaries or a member of the Residential Life Team, the authorised officer as defined in section 6 or the Registrar should notify the Director of Human Resources or the senior officer responsible for Student Support for consideration as to whether any further action is required.

2.6 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 to be dealt with by a Continuation of Registration Committee in accordance with Regulation 36 (Regulations governing Student Registration, Attendance and Progress). In such a case the disciplinary process will normally be suspended until the Registrar determines that it should be reactivated.

(3) General Principles

3.1 Any officer named in this Regulation may appoint a nominee to act on his/her behalf, and references to that officer shall be taken to include reference to such a nominee.

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

3.3 A student who is charged with a disciplinary offence under this Regulation will always be specifically informed of the details of the alleged offence and given the opportunity to defend him/herself. During any investigation of that disciplinary offence, the student will be notified that he/she is under investigation and that he/she should approach his/her Personal Tutor, the Department or University Senior Tutor, Warden, or the Students' Union for advice as to procedure and the action which he/she may take.

3.4 A student charged with a minor offence may be accompanied at any meeting with the authorised officer or any disciplinary or appeal hearing by another student from the University or a member of staff from the University or Students' Union. A student charged with a major offence may be accompanied at any meeting with the Investigating Officer or any disciplinary or appeal hearing by any one other person. The student will normally be expected to speak on his/her own behalf in his/her own defence.

3.5 Where a student does not appear on the date appointed for a hearing under this Regulation, and the authorised officer or committee is satisfied that the student has received notice to appear and has not provided a satisfactory explanation for his/her absence, the authorised officer or committee may proceed to deal with the case and if appropriate, impose an appropriate penalty in the absence of the student.

3.6 The Discipline Committee or the Appeals Committee will also be subject to any further University guidelines approved by the Senate. Subject to the terms of this Regulation and any such guidelines, an authorised officer or committee has the power to determine his/her/its own procedure for hearing a case, always providing that he/she/it observes the rules of natural justice at each stage. The authorised officer or committee may postpone, continue or adjourn the case at his/her/its discretion. The hearings of the Discipline Committee or the Appeals Committee will normally be serviced by a Secretariat appointed by the Registrar.

3.7 Both the student and the University may call witnesses to give evidence at any disciplinary hearing, provided that details of witnesses (and copies of any written evidence or other documents) are provided in advance of the hearing. Witnesses may be questioned by both parties and the authorised officer or committee hearing the case.

3.8 In all cases a written record of the proceedings will be kept, and, where appropriate, a précis of the statements of witnesses given during the hearing.

3.9 The student will be notified in writing of the outcome of any formal disciplinary process under this Regulation.

3.10 In cases where guilt is admitted or the charge is proved, a record of the offence and of the sentence will be filed, by the authorised officer or Committee Secretariat concerned, in the office of the Registrar.

3.11 The outcome of any disciplinary or appeal hearing will include a determination as to the length of time for which the decision will be retained on the student's University record. 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.

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

(4) Precautionary Suspension

4.1 Where a student's conduct may pose a risk to other students or University staff or where a student's continued access to University facilities may interfere with the investigation of an offence, the student may be suspended from classes, any part of the University or the University as a whole, at the Vice-Chancellor's discretion, pending the conclusion of any action under these regulations and/or any criminal proceedings. This suspension is not a sanction, but is used to protect the University community or reputation or a particular member or members of the University.

4.2 The reasons for the suspension will be put in writing and will be subject to periodic review on an at least bi-monthly basis and the student will be informed of the outcome of the review. The student may request a review of the suspension if there is a relevant change in his/her circumstances. The request should be made in writing to the Vice-Chancellor, who will respond within ten University working days.

4.3 Where the student is also an employee of the University or any of its subsidiaries or a member of the Residential Life team, the Vice-Chancellor should notify the Director of Human Resources or the senior officer responsible for Student Support for consideration as to 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 fitting or necessary 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) Minor Offences

6.1 Authorised officers

6.1.1 The Senate has authorised certain University officers to deal, in the first instance, with minor offences:

- The Pro-Vice-Chancellors
- The Registrar
- The Deputy Registrar
- The Academic Registrar
- The senior officer responsible for Student Support
- The Librarian, who will exercise his/her power only in matters relating to the Library
- The Wardens, Deputy Wardens, Senior Wardens, Sub-Wardens and Resident Tutors of the student residences, who will exercise their power only in relation to incidents occurring in student residences and their immediate confines
- The senior officer responsible for Information Technology Services, who will exercise his/her disciplinary powers only in relation to the University's computing facilities as defined in Regulation 31
- Such other officers as the Registrar may nominate from time to time

6.1.2 When an alleged minor offence is reported to an authorised officer he/she will carry out any investigation he/she deems appropriate (or may appoint a member of the University staff to investigate on his/her behalf).

6.1.3 The authorised officer shall determine whether the student should be charged with a minor offence or whether the matter is more serious and should be referred to the Registrar for action under the major offences procedure.

6.2 Penalties

6.2.1 The authorised officer may impose one or more of the following penalties for a minor offence:

- A fine not normally exceeding £100
- A penalty not exceeding what is prescribed in the appropriate regulations (e.g. Library or Residential Accommodation regulations)
- A reprimand

- A written warning as to future conduct
- A requirement to apologise and/or to undertake community service
- A suspension of academic or other privileges for a period not exceeding one term
- 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
- Reclassification of the offence as a major offence and referral to the Registrar for action under the major offences procedure.

6.2.2 The authorised officer may suspend the implementation of any penalty subject to conditions notified to the student.

6.2.3 The limits of these penalties may be reviewed periodically by authority of the Senate.

6.3 Key procedural elements (supported by University guidelines)

6.3.1 The student will be notified in writing of the alleged minor offence and invited to a hearing conducted by the authorised officer.

6.3.2 If the student admits the alleged offence the authorised officer may dispense with the hearing and proceed to impose a disciplinary penalty in accordance with paragraph 6.2 above.

(7) Minor offences: Appeals

7.1 Right of appeal

7.1.1 The student has a right of appeal to the Deputy Vice-Chancellor against the authorised officer's decision and/or any penalty imposed under this Regulation and any other Regulations, Codes or Policies that refer to it. The student must exhaust any appeal process set out in other Regulations, Codes or Policies before bringing an appeal under these provisions.

7.1.2 The Deputy Vice-Chancellor, or should there be no serving Deputy Vice-Chancellor, the Vice-Chancellor, may appoint a Pro-Vice-Chancellor to deal with the appeal (and all references to the Deputy Vice-Chancellor in this paragraph 7 shall include reference to that Pro-Vice-Chancellor).

7.1.3 The Deputy Vice-Chancellor 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 or appeal;
- b) that there appears to be evidence of prejudice or of bias during the original hearing or appeal;
- c) that relevant evidence has come to light which the appellant was unable to present to the authorised officer at the original hearing or appeal;
- d) that in light of new evidence the penalty imposed by the authorised officer is excessive in relation to the offence committed.

7.2 Key procedural elements (supported by University guidelines)

7.2.1 The student must submit the appeal in writing to the Registrar on behalf of the Deputy Vice-Chancellor, stating the grounds on which the appeal is brought, within 42 days of the authorised officer's decision, together with any new evidence should the appeal be made under 7.1.3(c) above.

7.2.2 Prior to consideration of the appeal by the Deputy Vice-Chancellor, the Registrar shall consider the appeal to establish that a prima facie case for appeal exists. Appeals should not be considered where, in the opinion of the Registrar, the appellant has failed to bring the appeal within any of the grounds listed in paragraph 7.1.3 above. Should a case have been initially brought by the Registrar as an authorised officer under 6.1.1, the Deputy Registrar would normally undertake this consideration.

7.2.3 If there are prima facie grounds for appeal the Deputy Vice-Chancellor will undertake a review of the case and may request such further information as he/she deems appropriate. He/she will not normally hold a hearing but may choose to do so, in which case the authorised officer and the appellant will be invited to attend, and the hearing will be conducted in accordance with the principles set out at paragraph 3.6 above.

7.2.4 In determining appeals, the Deputy Vice-Chancellor may set aside, vary or confirm the decision of the authorised officer or may set aside or vary the penalty imposed.

7.2.5 The decision of the Deputy Vice-Chancellor on an appeal is final, and the student will be issued with a completion of procedures letter.

(8) Major Offences

8.1 Investigation

8.1.1 When an alleged major offence is reported to the Registrar he/she shall appoint an Investigating Officer to carry out an investigation of the case. The Investigating Officer shall have the power to carry out such investigations as he/she deems appropriate, including interviewing the student and any other witnesses.

8.1.2 Having received the report of the Investigating Officer, the Registrar shall determine whether further investigation is necessary or whether a charge should be brought forward and if so, whether the student should be charged with a major offence or whether the matter is less serious and should be dealt with by the Registrar as a minor offence.

8.2 The Discipline Committee

8.2.1 The Discipline Committee deals with major offences.

8.2.2 The membership of the Discipline Committee is normally as follows:

- Chair – a Pro-Vice-Chancellor appointed by the Vice-Chancellor
- Three academic staff members appointed by the Vice-Chancellor from a panel of up to 20 members appointed by the Senate on the recommendation of the Faculty Boards
- Two student members (normally sabbatical officers of the Students' Union) whose names shall be communicated to the Registrar by the President of the Students' Union.

8.2.3 The quorum of the Discipline Committee is three members, one of whom shall be a student member unless the student charged with the offence objects (see paragraph 8.4.2).

8.3 Penalties

8.3.1 The Discipline Committee may impose one or more of the following penalties in respect of a major offence:

- A reprimand
- A requirement to apologise
- A penalty as prescribed in any other appropriate regulations
- A fine
- A requirement to undertake community service
- 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
- A suspension from academic or other privileges for a specified period
- Exclusion from campus or parts of the campus for a specified period
- Complete suspension of student status and exclusion from campus for a fixed period (i.e. temporary withdrawal from the University)
- Expulsion (i.e. permanent withdrawal) from the University

8.3.2 Where the student is registered on a course which falls within Regulation 34 (Regulation for the Determination of Fitness to Practise) the Discipline Committee must in addition refer the matter to be dealt with in accordance with that Regulation.

8.3.3 The Discipline Committee may suspend the implementation of any penalty subject to conditions notified to the student.

8.4 Key procedural elements (supported by University guidelines)

8.4.1 A student charged with a major offence will receive a written summons, giving a brief but clear specification of the charge and giving him/her at least ten University working days' notice to appear before the Discipline Committee.

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

- a) unless he/she expresses a wish to the contrary before the date of the hearing, students will sit as members of the Discipline Committee;
- b) he/she should submit any response to the charge, and notify the Registrar of any evidence he/she wishes to rely on, at least five University working days before the date fixed for the hearing;
- c) he/she should approach his/her Personal Tutor, the Department or University Senior Tutor, Warden, or the Students' Union for advice as to procedure and the action which he/she may take.

8.4.3 If the student wishes to admit the charge, he/she may do so in writing to the Registrar on receipt of the summons. He/she shall be heard in mitigation before any penalty is determined. The Discipline Committee may deal with mitigation in writing if the student consents to this.

8.4.4 The student may also admit the charge or part of it at any stage of the proceedings.

8.4.5 The University's case will be presented by the Registrar or a member of the Registrar's staff appointed by him/her. The evidence on behalf of the student (should he/she wish to give evidence) will then be heard.

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

8.4.7 The student and anyone accompanying him/her and the member of the University staff presenting the case will withdraw while the Discipline Committee considers its decision, and return to hear it delivered.

8.4.8 If the Discipline Committee finds the charge proved, the student shall be heard in mitigation before any penalty is determined. The Discipline Committee may deal with mitigation in writing if the student consents to this. In determining the penalty, the Discipline Committee shall take into account any record of previous misconduct.

(9) Major offences: Right of Appeal

9.1 Appeals Committee of Senate

9.1.1 The student has a right of appeal from any decision of the Discipline Committee to the Appeals Committee of the Senate.

9.1.2 The Appeals Committee 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 evidence has come to light which the appellant was unable to present to the authorised officer at the original hearing;
- d) that in light of new evidence the penalty imposed by the authorised officer is excessive in relation to the offence committed.

9.1.3 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 and appointed by the Vice-Chancellor
- Three academic staff members appointed by the Vice-Chancellor from a panel of up to 20 members appointed by the Senate on the recommendation of the Faculty Boards
- Two student members (normally sabbatical officers of the Students' Union) whose names shall be communicated to the Registrar by the President of the Students' Union.

9.1.4 The appeal hearing will normally take the form of a review unless the Appeals Committee decides that a new hearing is required.

9.2 Key procedural elements (supported by University guidelines)

9.2.1 The student has 42 days following the written notification of the decision of the Discipline Committee 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.

9.2.2 Appeals shall be considered initially by the Chair of the Appeals Committee in consultation with one other member of the committee to establish that a prima facie case for appeal exists. Appeals shall not be considered where, in the opinion of the Chair and the consulted member of the Appeals Committee, the appellant has failed to bring the appeal within any of the grounds listed in paragraph 9.1.2 above.

9.2.3 The Appeals Committee (through the Registrar) will give the appellant at least ten University working days' notice of the date of the appeal hearing.

9.2.4 The appellant will be provided with a copy of the written record of the proceedings of the Discipline Committee. The Discipline Committee may prepare its own report to the Appeals Committee in addition to the written record 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.

9.2.5 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 disciplinary case may be permitted to call or present further evidence to meet any new or additional issues raised by the appellant.

9.2.6 At the hearing, the appellant will be the first party to address the Appeals Committee.

9.2.7 The member of the Discipline Committee responsible for responding to the appeal will then address the Appeals Committee.

9.2.8 The appellant and anyone accompanying him/her and the member of the Discipline Committee will withdraw while the Appeals Committee considers its decision, and return to hear it delivered.

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

9.2.10 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 Discipline Committee. The Appeals Committee may in addition refer the matter to be dealt with under Regulation 34 (Regulation for the Determination of Fitness to Practise).

9.2.11 The decision of the Appeals Committee is final, and the student will be issued with a completion of procedures letter.

9.2.12 Where a student is expelled or temporarily withdrawn from the University and is resident in University or University-managed accommodation, the University may take further action under Regulation 27 (Residential Accommodation Regulations).

Where a student is expelled or temporarily withdrawn from the University, the University may be required to notify government or other regulatory agencies.