

## **8. DISCIPLINARY PROCEDURES FOR STUDENTS**

### **8.1 Procedures prior to a disciplinary hearing**

#### **(a) Delegation by the Vice-Chancellor**

Any of the functions of the Vice-Chancellor under these Regulations may be delegated to the Deputy Vice-Chancellor or a Pro-Vice-Chancellor either generally or in respect of a particular case.

#### **(b) Allegation or complaint**

*(i)* An allegation or complaint that a Student has breached the Disciplinary Regulations can be evidenced in three ways -

- verbally to a member of staff;
- witnessed by a member of staff;
- in writing to the Director of Student Services.

The allegation or complaint will then be dealt with in one of five ways:

- by a verbal warning issued by a Resident Tutor or a member of staff from the Accommodation Office, Security Services, the Library, Computing Services or Sports Development & Recreation at the time of the breach of regulation(s) and accepted by the Student;

- by a fixed penalty notice of £50 issued by an Accommodation Team Leader or a member of Security Services staff in respect of the following areas of misconduct as defined in Regulation 7.4 above ( where a student would ordinarily be referred to the Director of Student Services under the Preliminary Disciplinary Procedures): 7.4(c), 7.4(e)(ii), 7.4(e)(iii), 7.4(e)(iv), 7.4(e)(v), 7.4(e)(vi), 7.4(e)(vii), 7.4(e)(viii), 7.4(j), 7.4(n), 7.4(o) and 7.4(p).

Fixed penalty notices may also be issued by the above members of staff in respect of misconduct as specified in the Residential Rules and Regulations.

If a student does not wish to accept the fixed penalty notice, or is not in a condition to understand the process, they will be referred to the Director of Student Services under the Preliminary Disciplinary Procedure or the Head of Accommodation under the Residential Rules and Regulations (as appropriate).

A student may receive no more than two fixed penalty notices in any 12 month period. A third offence would result in an automatic referral to the Director of Student Services / Head of Accommodation.

- by the Head of Accommodation, the University Librarian, Director of Computing Services, the Director of Sport or the President of the Students' Union, in accordance with any local disciplinary procedures/rules and regulations;
- by the Director of Student Services (or his/her nominated substitute) in accordance with the Preliminary Disciplinary Procedures;
- by taking no action.

The Director of Student Services (or his/her nominated substitute) may refer an allegation of an offence against the Disciplinary Regulations to the University Secretary for formal action under the terms of this regulation. The University Secretary, or a person duly authorised to act in place of the University Secretary for

the purpose of these Regulations, shall, after being satisfied that there is a *prima facie* case for formal disciplinary action, inform the Vice-Chancellor of the matter and communicate the substance of the allegation to the Student. The University Secretary shall determine whether the case is heard by the Vice-Chancellor or by the Disciplinary Committee of the Senate.

(ii) Where an allegation of misconduct has been made, the Vice-Chancellor may rule that the complaint should not be the subject of further action under these Regulations but such a ruling shall not preclude informal action by way of caution or otherwise appropriate.

**(c) Involvement of the Police and Criminal Courts**

The following procedures will apply where the alleged misconduct is reported to the University Secretary and Vice-Chancellor and the misconduct, if proved, would also constitute an offence under the criminal law.

**(d) Definition of a serious offence**

A guideline to what constitutes a serious offence is that the offence is likely to attract an immediate custodial sentence if proved in a criminal court or that it is triable as a criminal offence only on indictment at the Crown Court.

**(e) Offences other than serious offences**

Where the Vice-Chancellor does not regard the alleged misconduct as constituting a serious offence, it may be dealt with internally. If the alleged offence is reported to the police (for example, by a person against whom the offence is alleged to have been committed), the Vice-Chancellor may exercise his or her discretion to defer action until the police and courts have dealt with the matter.

**(f) Serious offences**

In all other cases, no internal action (other than suspension or exclusion by the Vice-Chancellor) will normally be taken until the matter has been reported to the police and either a prosecution has been completed or a decision not to prosecute has been taken.

**(g) Serious offences which are not reported to the police**

The University has the right to report any criminal offence to the police. However, if a person claims to be the victim of a serious offence committed by a Student but does not wish the police to be involved, the Vice-Chancellor may exercise discretion and agree not to report the matter to the police. In such circumstances, the University will not normally proceed with internal disciplinary measures for the serious offence, although it may take disciplinary action over related offences.

**(h) Suspension or exclusion pending a disciplinary hearing**

(i) A Student who is the subject of a complaint of misconduct or against whom a criminal charge is pending, or who is the subject of police investigation, may be suspended from any class or classes or excluded from any part of the University and its precincts by the Vice-Chancellor for such period as the Vice-Chancellor may determine. The Vice-Chancellor shall report any such suspension or exclusion to the Senate at its next meeting.

(ii) The suspension of a Student by the Vice-Chancellor under the preceding paragraph involves a total prohibition on attendance at or access to the University and on any participation in University activities but it may be subject to qualification such as permission to attend for the purposes of a formal assessment of which the result is

crucial to the Student's academic progress or contributes to the final degree result. Special permission may also be given for access to the University for the purpose of obtaining information relating to an impending disciplinary or court hearing.

*(iii)* Exclusion of a Student by the Vice-Chancellor under the preceding paragraphs 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 would be specified in writing by the Vice-Chancellor to the Student.

*(iv)* An order of suspension or exclusion made by the Vice-Chancellor may include requirements that the Student should have no contact of any kind with a named person or persons or be subject to such other conditions as the Vice-Chancellor may determine. Any reasons for the Vice-Chancellor's decisions in these matters shall be recorded and made available to the Student.

*(v)* Normally no Student shall be suspended or excluded by the Vice-Chancellor under this disciplinary regulation unless he or she has been given an opportunity to make written representations to the Vice-Chancellor within five days of being notified of the intention to suspend / exclude them.

*(vi)* In cases of urgency, particularly if the safety of others is perceived to be at risk, the Vice-Chancellor shall be empowered to suspend or exclude a Student with immediate effect, and before the Student has been given the opportunity to make representations. In this instance the student or his/her representative shall be permitted to put forward representations within five days of being notified of their suspension / exclusion.

*(vii)* A decision to suspend or exclude a Student shall be reviewed by the Vice-Chancellor in the light of any other developments and of any representations made by the Student or anyone else on the Student's behalf.

*(viii)* In accordance with Statutes Section 27.1, a student may appeal to the Senate Appeals Committee against the decision of the Vice-Chancellor to suspend or exclude them.

**(i) After the conclusion of court proceedings**

*(i)* After all the court proceedings have been completed the Vice-Chancellor shall determine whether internal disciplinary action shall continue or be taken. In reaching a decision the Vice-Chancellor shall have regard to the decision of the court.

*(ii)* Where a finding of misconduct is made and the Student has also been sentenced by a criminal court in respect of the same facts, the penalty of the court shall be taken into consideration in determining the penalty under these Disciplinary Regulations.

## **8.2 Hearing of disciplinary matters**

**(a)** The intention of the Regulations is that less serious internal offences should be dealt with by the Vice-Chancellor and more serious internal offences by a committee of not more than seven containing students and staff members chaired by the Vice-Chancellor or the Vice-Chancellor's delegate.

**(b) Notice of hearings**

The Vice-Chancellor or the Disciplinary Committee, as the case may be, shall fix a date for the hearing of the case which, unless all parties agree an earlier date, shall be at least 14 days and normally not more than 6 weeks after the allegation was

communicated to the Student. At least 7 days' notice of the hearing shall be given to the Student and the Student shall be entitled to attend the hearing to present her or his case.

**(c) Representation and assistance**

(i) A Student shall be entitled to be accompanied, assisted or represented by a fellow student or representative from the Students' Union at any hearing before the Vice-Chancellor or any Committee including an appellate body.

(ii) A Student shall have the right to see in reasonable time before any hearing all the evidence supporting an allegation, to be present throughout any hearing and to cross examine witnesses.

**(d) Postponement of hearings**

Disciplinary procedures are intended to be concluded as speedily as possible but the Vice-Chancellor or the Disciplinary Committee have the power to postpone a hearing pending any investigation by the police or prosecution in the courts.

**(e) Hearings by the Vice-Chancellor**

If the case is heard by the Vice-Chancellor, the Vice-Chancellor may:

(i) dismiss the case or

(ii) refer the case to the Disciplinary Committee or

(iii) if the offence does not warrant a more serious penalty, reprimand the Student and order that the reprimand and the reason therefore be included in the University records or

(iv) at the Vice-Chancellor's discretion, if the Student has admitted the allegation of misconduct, impose on the Student a requirement to undertake specified tasks or service for the benefit of the University or, exceptionally, a fine not exceeding the equivalent of four weeks' rent for student residential accommodation in the University or

(v) exercise statutory power to suspend the Student from any class or classes or exclude the Student from any part of the University or its precincts for such period as the Vice-Chancellor may determine or

(vi) take such other disciplinary action as the Vice-Chancellor may deem appropriate.

The Vice-Chancellor shall report the outcome of the hearing to the Senate at its next meeting.

**(f) Hearings by the Disciplinary Committee**

If the case is heard by the Disciplinary Committee it may

(i) dismiss the case or

(ii) if the offence does not warrant a more serious penalty, reprimand the Student and require that the reprimand and the reason therefore be included in the University records or

(iii) at its discretion impose on the Student a requirement to undertake specified tasks or service for the benefit of the University or, exceptionally, a fine not exceeding the equivalent of four weeks' rent for student residential accommodation in the University

(iv) exercise such disciplinary power as the Senate may specifically have delegated to it or

(v) refer the case to the Vice-Chancellor with a recommendation that he or she exercise the statutory power to suspend or exclude the Student or

(vi) refer the case to the Vice-Chancellor as aforesaid and also refer the case to the Senate with a recommendation that, if the Vice-Chancellor exercises the said statutory power, the Senate should exercise its statutory power to expel the Student from the University or

(vii) take such other disciplinary action as the Committee may deem appropriate.

If the meeting of the Disciplinary Committee, having been duly convened in accordance with the procedures prescribed under this Regulation, is not quorate or is unable for any other reason to hear the case before it, then the case shall be heard by the Vice-Chancellor, who shall determine the matter in accordance with the procedure prescribed in this Regulation.

**(g) Procedure**

The Vice-Chancellor and the Disciplinary Committee shall order their proceedings at their discretion and may call witnesses and institute enquiries to assist their deliberations.

**(h) Justice and fairness**

The rules of evidence in English law do not need to apply but all hearings shall be conducted in accordance with the principles of justice and fairness.

**(i) Standard of proof**

Those determining issues under these Regulations should be satisfied on reasonable grounds on the evidence before them. Proof does not have to be 'beyond reasonable doubt'.

**(j) Records and notification**

(i) The University Secretary shall keep a record in concise form of hearings held by the Vice-Chancellor or the Disciplinary Committee which record shall be made available to the Student.

(ii) The outcome of hearings shall be communicated to the Student forthwith after the conclusion of hearings and shall include details of appeal procedures open to the Student.

The outcome of the disciplinary hearing will be reported to the Senate at its next meeting.

### **8.3 Appeals**

(a) A Student may, in addition to the right of appeal against suspension or exclusion provided by Statutes Section 27.1, also appeal to the Senate Appeals Committee against any other determination of the Vice-Chancellor or against any determination of the Disciplinary Committee, except where this is a recommendation to Senate to expel a student. Statutes Section 27.2 provides for an appeal against a decision of the Senate to expel a Student to the Council Appeals Committee. The procedure of both Committees is governed by their Standing Orders. The Statutes provide that the Senate Appeals Committee may amend, ratify or revoke the suspension or exclusion of a Student; the Council Appeals Committee may ratify or revoke the proposed expulsion of a Student.

(b) Where a Student wishes to exercise a right to appeal against any determination of

the Vice-Chancellor, of the Disciplinary Committee or of the Senate, the appeal shall not take the form of a re-hearing of the case but new evidence may be brought forward.

**(c) Records and notification**

(i) The University Secretary shall keep in concise form a record of an appeal hearing which record shall be made available to the Student.

(ii) Forthwith after the conclusion of an appeal hearing the University Secretary shall notify the Student in writing of the decision of the Committee.

The outcome of the appeal hearing will be reported to the Senate at its next meeting.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 1st August 2017*