



# Guidance for Students Being Accused of Misconduct

## [University of Bath: Misconduct Made Clear](#)

This guidance is for students who have been reported for behaviour that could constitute misconduct as defined by University [Regulation 7](#) which is summarised within '[Misconduct Made Clear](#)'. Students in this position are known as the 'Respondent'. Regulation 7 applies to reported behaviour which occurred during a Respondent's time as a registered student (including any periods of suspension) at the University of Bath.

A person who has been affected by the misconduct is known as the 'Reporting Party' and is often the person reporting the behaviour. Witnesses can also make reports to the University and are known as the 'Referring Party'.

If behaviour is reported and it is unclear whether it fits the definition of misconduct, more information will be gathered. This may include meeting with the Referring Party, the Reporting Party and/or the Respondent to help the Student Discipline Team (SDT) make this determination.

## **What support is available to me, the Respondent, during the Disciplinary Process?**

We are aware that it can be difficult and stressful to be accused of misconduct. The University will not make any assumptions, and you will not be considered 'at fault' until any allegations have been fully investigated, and you have been given the opportunity to respond.

The University's Student Support and Safeguarding Service offer a range of support services that you can access. In particular, the [Wellbeing Service](#) is available for emotional and wellbeing support.

The SU Advice and Support Centre is independent of the University. The SU Advisors can assist you with preparing statements, completing forms, preparing for meetings and can attend meetings with you. Students can arrange a meeting with an advisor by emailing: [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)

We understand that some students may need additional arrangements to fully access this process. This may include reasonable adjustments for disabled students, an interpreter, or other arrangements. You can discuss your needs by emailing the SDT on: [student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk)

## **What are precautionary measures?**

The University applies precautionary measures to ensure that risks can be mitigated as fully as possible pending processes including Student Discipline. Any precautionary measures put in place should mitigate risk and protect the parties involved and the University community. These measures may include a no-contact order between you and the Reporting Party throughout the disciplinary process. Additional measures such as exclusion from specific premises and suspension may also be applied.

## **How will I be informed that a report made against me is being investigated?**

You will be informed in writing that the University is progressing a formal investigation in line with [Regulation 8](#). The letter will provide details of:

- the allegations reported against you and its initial categorisation (A, B, or C, where C is the most serious);
- the investigative interview the SDT will ask you to attend;
- support provision available to you and how to access it;
- how to request further information to help you prepare for the interview;
- how the outcome decision will be determined.

If the alleged misconduct has been reported to the police as a possible criminal act and is being investigated by them, the University will place its Student Disciplinary process on hold until the police investigation has concluded.

What information will be used to make a decision on the case?

The SDT will compile an Investigation Report which brings together information and evidence gathered from:

- investigative interview(s) with you;
- statements taken by the SDT from witnesses;
- information and data the University may hold (i.e. access information, video footage etc.).

The Head of Student Policy and Safeguarding will review the Investigation Report and determine one of the following:

- a. That you are in breach of Regulation 7, Category A or B and the [sanction to be applied](#).
- b. That the alleged misconduct is Category C requiring referral to a Student Disciplinary and Misconduct Panel (see below).
- c. That the case should be addressed through an alternative procedure.
- d. That there has been no breach of Regulation 7, concluding the Disciplinary Procedure. In such instances, a Completion of Procedures (COP) letter will be sent to you within 10 working days of the dismissal. This will include information on how you can submit a complaint to the Office of the Independent Adjudicator (OIA) for review.

The civil standard of proof is used in Student Disciplinary cases, namely 'the balance of probabilities' and that something is more likely than not to have happened and must still be supported by evidence.

### **My case has been referred to a Student Disciplinary and Misconduct Panel - what does this mean?**

Following investigation, if the alleged misconduct in your case is classed at Category C, the outcome will be determined by a Student Disciplinary and Misconduct Panel.

You will receive an invitation to attend the Panel meeting, given the names and details of the Panel members, and be provided with a copy of the Investigation Report. The Reporting Party will also be invited to the Panel meeting, but you will each attend separately. You have the opportunity to review the information contained in the Investigation Report and provide a response and/or any additional information relevant to the case before you attend the Panel meeting.

During the Panel meeting, you can give a statement and will be required to answer questions from members of the Panel.

The Panel will determine whether you have breached Regulation 7 and what sanction(s) should be applied or that there has been no breach of Regulation 7, concluding the Disciplinary procedure.

### **How long should the Disciplinary process take?**

You should normally receive the outcome of the investigation (including any [sanctions](#) applied and appeals route) within 60 days of being informed of the start of the investigation. This outcome will be communicated to all involved parties.

## **I am unhappy about the outcome of the Student Disciplinary process, what can I do as a Respondent?**

The Respondent can use the [Student Appeals Policy and Procedure](#) to submit an appeal (within the bounds of this policy) following notification of the outcome of a Student Disciplinary case. You need to complete an Appeals Form and send it to [governance@bath.ac.uk](mailto:governance@bath.ac.uk) within 10 working days of the outcome of the case. More information on the Appeals process, please visit Appeals: [www.bath.ac.uk/guides/disciplinary-appeals-process](http://www.bath.ac.uk/guides/disciplinary-appeals-process)

Parties to this process are encouraged to provide feedback on any aspect using the anonymous survey distributed after a case has concluded. You can also email [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk) at any stage.

