

7. DISCIPLINARY REGULATIONS FOR STUDENTS

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Purpose

The University of Bath is committed to providing a safe and friendly environment where everyone feels welcome. We expect every member of our community to be treated, and to treat others, with respect.

The purpose of this policy is to:

- Set clear expectations for how students are expected to behave and set out what behaviours are considered unacceptable
- Set out how the University will respond where there is a report that the behaviour of a student has fallen below the expected standards and/or when rules or regulations have been broken

Scope

This policy will apply where a student who is enrolled or registered at the University of Bath has allegedly committed an act of non-academic misconduct.

Misconduct is broadly defined as behaviour where a student has not taken appropriate care or responsibility for how their behaviour affects others, and one or more of the following is, or could have been, impacted:

- A student or employee of the University
- Any other person on University premises
- Any other person involved with a University activity
- The University itself (this includes cases which could potentially bring the University into disrepute or where action is deemed necessary to safeguard our community)

An illustrative, non-exhaustive list of examples of misconduct are given in Appendix A.

This policy applies to behaviour that takes place on and off University premises, including online.

There may be allegations of misconduct that are dealt with outside of this policy. In such cases it is for the University to decide which policy to apply. All parties will be informed where this is the case at the start of the process.

If a student making a report of misconduct withdraws from the process at any stage, the University reserves the right to continue to act on the information provided.

For historic allegations the definition of misconduct and specific behaviours included in the version of Regulation 7 in force at the time of the alleged misconduct will apply.

Policy interactions

Sometimes, issues are raised that do not fall neatly into the category of just one University policy. Where this is the case, the University will be flexible in its approach of application of policy on a case-by-case basis. The Deputy Director, Student Policy and Safeguarding will jointly determine with other relevant Heads of Services whether it's better to use one process after the other (and in what order), to run them at the same time, or to apply the processes more flexibly. It will be explained to all relevant parties how the matters will be investigated, who will coordinate the process, and who will issue the final decision.

In cases involving an emergency, where there is a perceived threat to the health and safety of the student or to other students or staff, the University will consider applying precautionary measures to ensure that any recognised risks can be mitigated before and during the Student Discipline process, see Student Precautionary Measures (<https://www.bath.ac.uk/guides/guidance-for-students-precautionary-measures/>).

Overview of the Student Discipline Procedure

When an allegation of misconduct is made against a student, the University, where able to, will investigate the matter and determine:

- Whether the report constitutes misconduct under this policy
- The severity of the misconduct (if applicable)
- Whether there is a case to answer
- The appropriate sanction/s (if applicable)

The process will normally be concluded within the following timeframes:

- 60 calendar days from when the Respondent receives notification that allegations of misconduct have been made against them.
- An additional 30 calendar days (90 days total) if the outcome is appealed

If it is anticipated that the process will take longer, those involved will be informed in writing and provided with an amended timescale. These timescales exclude the time taken by any related external criminal investigation.

The Student Discipline Procedure (<https://www.bath.ac.uk/guides/student-discipline-policy-and-procedure/>) provides further information.

Categories of severity of misconduct

The University will categorise the severity of misconduct according to that misconduct meeting one or more of the criteria in the categories listed below.

Category A

No or minimal harm or disruption caused, or a limited impact (or risk thereof) on the proper functioning or activities of the University, or to a member or members of the University Community, or an accidental or inadvertent breach.

Category B

Moderate harm or disruption caused, or a moderate impact (or risk thereof) on the proper functioning or activities of the University, or to a member or members of the University Community.

Category C

Significant harm or disruption caused, or a severe impact (or risk thereof) on the proper functioning or activities of the University, or to a member or members of the University Community or sustained or repeated misconduct.

Sanctions will be proportionate to the proven misconduct and mitigating, aggravating, and compounding factors will be taken into account.

Right of Appeal

A Respondent can use the Student Appeals Policy to submit an appeal (within the bounds of that policy) following notification of the outcome of a Student Disciplinary case.

A Reporting Party cannot normally appeal the outcome of a Student Disciplinary case, but they are able to request a review of the process, based on specific grounds.

Once all stages of the University's Student Disciplinary process have been completed, if a student is not satisfied with the resolution of their appeal or review, they have 12 months to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). If the complaint is eligible to be considered by the OIA they will independently review the matter.

Procedural Fairness

The Student Discipline Procedure will follow the principles of natural justice. For this policy, this means the student and the person bringing the allegation will both have fair opportunity to present their case and respond to what the other has said. Normally, the identity of the person bringing the allegation and details of their allegation will need to be shared with the student who is responding. In some circumstances, sensitive and confidential information may be redacted.

In Student Discipline cases the standard of proof is the civil standard, or "the balance of probabilities". This means it must be proved that something is more likely to have

happened than not, and this is supported by evidence. The burden of proof sits with the University. This means that it is their responsibility to prove the case being considered.

Following a Student Discipline investigation the findings will be used to determine whether there is a “case to answer”. The test for case to answer is defined as follows: Is there sufficient evidence, upon which a decision-maker could make a finding of misconduct on the balance of probabilities?

No person with a conflict of interest will be asked to investigate or make a decision relating to the case. A conflict of interest occurs when an individual's professional or personal interests – family, friendships, financial, or social factors – could compromise their ability to apply judgement or act fairly and objectively. A conflict of interest can be actual or perceived.

Reconsidering the same allegation

In some circumstances, the University may reconsider the same allegation of misconduct, outside of the appeals process. For example, if new evidence emerges which, for good reason, could not have been obtained or provided at the time of the original consideration of the case.

Support for Students

We understand that disciplinary matters can be very stressful for students and are committed to the process being as empathetic and supportive as possible. All students (including reporting parties, respondents, and witnesses) will be made aware of, and actively encouraged to engage with, the support options that are available to them throughout the process.

In most cases, students are not likely to require legal representation. Requests for legal representation will be considered on a case-by-case basis in line with the Student Discipline Procedure.

We understand that some students may need additional arrangements to fully access this process. Any reasonable adjustments will be considered and put in place where possible.

Roles & Responsibilities

Senate is responsible for:

- The Student Discipline Policy (Regulation 7) and approving any amendments to it
- The maintenance of discipline and good conduct as this policy outlines
- Ratifying the Student Discipline Procedure at appropriate stages

Deputy Director, Student Policy and Safeguarding is responsible for:

- Overseeing the effective application of the Student Discipline Policy, and its interaction with other student safeguarding policies, other university policies, and related external investigations

- Ratifying (with Chair of Student Disciplinary and Misconduct Panel) any change of category of misconduct post investigation, where the alleged misconduct was directed at an individual
- Determining whether an allegation of misconduct will be reconsidered, outside of the formal appeals policy
- Reporting to Senate annually on student discipline cases including outcomes, common themes, and recommendations to improve University practice and the student experience

Any of the functions of the Deputy Director, Student Policy & Safeguarding under these Regulations may be delegated to a member of the Student Support & Safeguarding Leadership Team.

The Student Discipline Manager is responsible for:

- The operational delivery of the Student Discipline Policy and Procedure
- Determining the initial category of misconduct pre-investigation
- Ratifying case to answer recommendations from the assigned Investigator
- Determining outcomes and sanctions for Category A and B misconduct cases
- Scheduling Student Discipline and Misconduct Panel meetings including collation and circulation of documentation, and communication with the students and other relevant parties

The Assigned Investigator is responsible for:

- Investigating student discipline cases
- Based on their investigations, providing case to answer recommendations to the Student Discipline Manager

Security Services are responsible for:

- Responding to incidences of Category A misconduct that can be dealt with through a fixed penalty notice.
- Referring incidences to the Student Discipline Team that are:
 - Category A misconduct that cannot be dealt with through a fixed penalty notice
 - Repeated incidents of category A misconduct, or
 - Instances of Category B and C misconduct

Chair of Student Disciplinary and Misconduct Panel is responsible for:

- Ratifying (with Deputy Director, Student Policy and Safeguarding) any change of category of misconduct post investigation, where the alleged misconduct was directed at an individual
- Overseeing the proceedings of the panel meeting itself including chairing the discussion, managing attendance and contributions, ensuring a fair and procedurally sound process, and leading the panel in reaching decisions and determining outcomes

- Nominating appointments of Student Disciplinary Panel Members to the Vice Chancellor

Student Disciplinary and Misconduct Panel Members are responsible for:

- Determination of outcome and sanctions relating to cases that are referred to them

The Vice Chancellor is responsible for:

- Appointing Student Disciplinary and Misconduct Panel Chairs
- Approving Student Disciplinary and Misconduct Panel Members as nominated by the Chairs
- Approval of any outcome recommendation referred to them by the Student Disciplinary and Misconduct Panel

Monitoring and Record keeping

All formally reported allegations of misconduct received, decisions made and resulting outcomes will be recorded and an annual report provided to Senate, and its relevant committees.

All records taken under this policy will be held for the recommended period of time for which records should be retained to comply with legal requirements and meet operational needs as defined with the University Records Retention Schedule (<https://www.bath.ac.uk/corporate-information/records-retention-schedule/>).

If you have any feedback on this policy, or on your experience of this policy or process, please email studentpolicy@bath.ac.uk

Document Control Information

Any such amendments are identified above and will take effect from the date shown.

Owner	Pro-Vice-Chancellor for Student Experience
Version number	2.2
Approval Date	June 2025
Approved By	Senate
Date of last review	May 2025
Date of next review	April 2026

Appendix A

The following is a non-exhaustive list of examples of misconduct:

a) Health and Safety Misconduct:

Action likely to cause injury or impair health or safety including:

- (i) smoking and vaping in areas not designated for this purpose including the Underdeck, the Library Balcony or on the Parade (you should be at least 4 metres away from any building when you smoke).
- (ii) parking motor vehicles or bicycles in any place not specifically authorised for that purpose
- (iii) the driving of motor vehicles on campus in a dangerous, reckless, or careless manner
- (iv) The use of any mode of personal transport in pedestrian areas other than where duly authorised
- (v) Possession of any drug of drugs, which unless prescribed for the student by a registered medical practitioner, would mean that the student could be prosecuted. (Drug possession will normally be classed as a breach of Health and Safety misconduct. In some circumstances, e.g. multiple breaches, drug possession may be categorised as misconduct which may also constitute a criminal offence.)
- (vi) Putting others at risk through use of dangerous, addictive or intoxicating substances.
- (vii) inappropriate interference with the services of the University or any part of the University estate including with fire safety systems or equipment
- (viii) entering any restricted area (including roofs) without obtaining official permission from the Director of Campus Infrastructure
- (ix) dropping or throwing an object from a high-rise building
- (x) entering the lake by any means, without authorisation from Campus Infrastructure

b) Obstruction of University operations:

- (i) inappropriate interference with academic or other activities of the University
- (ii) inappropriate interference with, the functions, duties or activities of any Student, member of staff or other employee of the University or any authorised visitor to the University
- (iii) Allowing others to use your University Library card and/or University log-in details.

- (iv) failure to disclose name and other relevant details, or to provide your library card to an officer or employee of the University in circumstances when it is reasonable to require that such information be given
- c) Regulatory breaches
 - (i) breach of any other University Code, rule or regulation which provides for breaches to constitute misconduct under these Regulations
 - (ii) failure to comply with a previously imposed penalty under these Regulations
- d) Damage to property
 - (i) damage, misuse, unauthorised use or taking of items of property, including technology misuse
- e) Reputational Damage
 - (i) behaviour that brings the University into disrepute (excluding legitimate complaints against the university, formal representations by the SU or whistleblowing)
- f) Criminal offences
 - (i) fraud: deceit, deception or dishonesty
 - (ii) supply of any drug or drugs which, unless prescribed for the student by a registered medical practitioner, would mean that the student could be prosecuted.
 - (iii) Spiking and related offences.
 - (iv) unless duly authorised, possession or use of firearms, imitation firearms, fireworks, explosives or any highly combustible materials or any article which is made, adapted, or intended to be used as an offensive weapon.
 - (v) possession of a bladed article, an offensive weapon or weapon of offence
 - (vi) theft
 - (vii) any other behaviour which could constitute a criminal offence
- h) Offensive or abusive behaviour
 - (i) disorderly, indecent, violent, threatening, or offensive behaviour or language, either under the influence of intoxicating substances or otherwise
 - (ii) taking or sharing audio, video, or photographic recordings of others (including teaching activities) without their express consent
 - (iii) unless duly authorised, using, permitting, or causing to be used any means of sound reproduction or amplifying device so as to cause offence or inconvenience to others

(iv) organising, leading or otherwise encouraging dangerous or coercive initiation-type behaviours

i) Breach of Dignity and Respect policy (which has not or cannot be resolved by informal means)

(i) discrimination

(ii) bullying

(iii) harassment

(iv) sexual misconduct

(v) hate motivated misconduct

(vi) victimisation

(vii) domestic abuse and coercive control

(viii) stalking

Academic misconduct is a form of misconduct, but it is addressed through other University procedures. Academic misconduct can be described as the use of, or participation in, any means that may result in a student obtaining an unfair academic advantage in any assessment, whether successful or not.