

# Student Discipline Procedure

This procedure outlines the steps the University will take following a report of student misconduct (behaviour in breach of the expectations set out in [Regulation 7: Student Discipline Policy](#)).

## Advice and Support

We understand that involvement in a Student Discipline procedure can be difficult. There are several services that can support you before, during and after this process, and we strongly recommend you access one or more of these services.

The University's [Student Support Service](#) offers a range of support services that students can access if they need support and guidance, including emotional or wellbeing support, counselling and mental health, disability support, money management and international student advice. All students can contact the University's Student Support Advice Team by emailing [studentsupport@bath.ac.uk](mailto:studentsupport@bath.ac.uk) or by coming to the Roper Centre Drop in which is open 9-5 including weekends. Student Support advisors will be able to offer emotional support and discuss ongoing support options. Alternatively, students can complete [this form](#) as this will help guide you to the most appropriate support.

All students can contact an [SU Advisor](#) in confidence who is separate to the University [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk). An SU Advisor will listen non-judgementally to your situation, explain the process and offer impartial advice on your options. They will support you by providing 1:1 advice on written statements, joining you in Student Discipline meetings and helping you to understand an outcome.

Postgraduate Research students can contact the [PGR Independent Advisors](#), who are able to provide independent support to PGRs and assistance in navigating University processes.

Students will be offered the opportunity to bring a friend, family member or other support person to Student Discipline meetings. The support person will be there to provide emotional support to the student and/or to help ensure the student correctly understands the content of the meeting but will not respond on the student's behalf.

Students with a disability, long term condition or any specific needs that require adjustments to this process are encouraged to email the Student Discipline Team ([student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk)) in order for arrangements to be made. Students with a disability can also request to be accompanied to Student Discipline meetings by an adviser (or relevant disability support worker, e.g. BSL interpreter) if required.

## Definitions

**Reporting Party:** A person impacted by the alleged misconduct. They can be any member of the University community or an external person.

**Respondent:** An enrolled or registered student at the University against whom an allegation of misconduct has been made.

**Referring Party:** A person or team/department that notifies the University of an instance of alleged misconduct. They can be any member of the University community or an external person.

**Witness:** A person who can provide evidence relating to the alleged misconduct.

**Support person:** A friend, advisor or representative chosen by a Reporting Party, Respondent or witness to accompany them to meetings with the Student Discipline Team. A support person cannot be part of the report being considered by the Student Discipline Team. Support persons must treat University staff with dignity and respect and the University may ask a Reporting Party, Respondent or witness to select an alternative support person if this is not the case.

## Referral to the Student Discipline Team

A report of referral of non-academic misconduct can be made to the Student Discipline Team directly by emailing the Student Discipline mailbox, by Security Services or via the Support and Report platform.

Should they wish to, a Reporting Party can withdraw from this process at any point. The University reserves the right to act on the information provided, and the evidential value placed on this information may be affected. If the Student Discipline process proceeds without the Reporting Party's engagement, this will be discussed with them wherever possible.

If Security Service staff members witness student misconduct classified as Category A in Regulation 7 they may issue a fixed penalty notice (£50 for first breach, £100 for repeat breach) without referral to the Student Discipline Team.

If a student refuses or is unable to accept the fixed penalty, the witnessed misconduct is referred to the Student Discipline Team. No more than two fixed penalty notices can be issued in any 12 month period. A student needing to be issued with a third fixed penalty will also be referred to the Student Discipline Team.

## Interaction with Police and Criminal Investigations

In some instances, where an allegation of misconduct may constitute a criminal offence, the University may refer the matter to the Police. This includes if there is a risk to the safety of a member of the University or wider community, or if it relates to a legal obligation to report particular allegations to the police.

A Reporting Party may also choose to report an incident to both the Police and the University.

If a student is under police investigation or awaiting conclusion of a criminal or civil case, University disciplinary action will normally be put on hold, to prevent prejudicing the external case.

After the conclusion of the external case, the Deputy Director (Student Policy & Safeguarding) will determine whether internal disciplinary action will be taken. The University reserves the right to make its own internal process decision independent of the outcome of an external case and this does not mean the Reporting Party has made a vexatious or malicious report.

## Stage 1 – Initial investigation/assessment

When a referral or report is made to the Student Discipline Team, they will gather some initial information in order to determine whether the matter can be investigated under the Student Discipline Procedure.

This stage may include taking statements from a Reporting/Referring Party and witnesses. Individuals providing a statement will be given choice where possible in how their statement is taken and will be told how the information they provide will be used and shared as part of this process.

Where necessary for fair consideration and investigation of a disciplinary case, the University may share information internally and with the SU.

The Student Discipline Team will determine whether the allegation/s meet the definition of misconduct and whether Respondent/s can be identified who are able to engage in the discipline process and can have the process applied to them.

Based on the information gathered, the Student Discipline Team will determine one of the following:

- To investigate the report, and assign an initial category of misconduct
- To dismiss the report (providing alternative options for addressing the behaviour where possible)
- To refer the report for consideration under an alternative procedure

Reporting Parties will be notified in writing of the outcome of this decision within 10 working days of the decision being made.

## Stage 2 – Full Investigation and Report

If the Student Discipline Team determine that an allegation of misconduct can be considered under this policy, they will commence a full investigation and produce an investigation report.

## The Investigation

The Respondent will be told in writing about the allegation/s against them and will be asked to attend an investigative interview with the Student Discipline Team.

Before an investigative interview, The Respondent can request copies of statements and evidence submitted by the Reporting Party and/or Referring Party. Requests for copies should be submitted to the Student Discipline Team giving at least 3 working days' notice before they are required.

Respondents can be accompanied by a support person, and are required to provide their support person's name and contact details to the meeting organiser, giving at least 3 working days' notice.

If the Respondent chooses not to engage with these investigatory meetings, with appropriate notice, the investigatory process may continue without them, including decision making.

During the investigation the Student Discipline Team will also gather any further information relevant to the allegation. This may include taking witness statements and Respondents and Reporting Parties will be asked to provide possible witness' details. The Student Discipline Team will not collect character statements or character references.

All investigation meetings (in person and online) will be recorded on Microsoft Teams. The recording is confidential and will only be available to the Investigator/s and the interviewee, if requested by them. Recordings will be kept for the duration of the investigatory and (if appropriate) disciplinary procedure. Once the case is concluded and all internal opportunities for review and appeal have been exhausted the recording will be deleted. Unauthorised recording, copying or distribution of recorded interviews may result in disciplinary action.

All parties are required to submit any and all relevant evidence at the time of the investigation.

The Student Discipline Team will conclude the investigation by producing an investigation report containing all submitted information and evidence relevant to the allegations being considered.

## Decision and Outcomes

The investigation report will be used to determine one of the following:

- There has been no breach of Regulation 7
- There has been a breach of Regulation 7 by the Respondent, confirmed as Category A or B, and what sanction will be applied as a result
- The alleged breach of Regulation 7 is Category C and requires referral to a Student Disciplinary and Misconduct Panel (SDMP) for decision-making

- The case should be addressed through an alternative procedure

Normally, this decision will be made by the Student Discipline Manager, under delegated authority from the Deputy Director (Student Policy & Safeguarding).

When the alleged misconduct was directed at an individual/s, if the Student Discipline Manager's determination includes a change to the initial category of misconduct or is that no breach of Regulation 7 has occurred, this decision will be ratified by a Chair of the Student Discipline Panel.

The Respondent and Reporting Party will be notified of the outcome in writing within 10 working days of the decision. Where sanctions have been applied, information that is shared beyond the Respondent will be determined by a Data Sharing Impact and Risk Assessment, on a case-by-case basis.

### Stage 3 – Student Disciplinary and Misconduct Panel

When alleged misconduct is confirmed through investigation to be Category C, the matter is referred to a Student Disciplinary and Misconduct Panel (SDMP).

The SDMP is made up of three University members of staff who are trained to make decisions on the cases referred to them. One of the three Panel members is the Chair, who determines the order of proceedings at the Panel meeting.

The Respondent and Reporting Party will receive at least 7 working days' notice of any Student Disciplinary & Misconduct Panel meeting. The notification will provide them with:

- a. The Investigation Report (redacted for confidential or sensitive information)
- b. The names and roles of the Student Disciplinary and Misconduct Panel members

The Respondent and Reporting Party will have at least 3 working days after receiving notice of the Student Disciplinary and Misconduct Panel to:

- Notify the Student Discipline Team of any perceived conflicts of interest relating to the Panel members.
- Submit any questions or queries they have on the Investigation Report
- Submit any additional final evidence noting that any accepted additional evidence will be shared with all parties involved in the Panel. This may result in the Student Disciplinary and Misconduct Panel being rescheduled.

The SDMP is then provided with the Investigation Report and any further accepted evidence before the meeting. The SDMP does not reinvestigate the allegations but considers all the information provided to date to determine an outcome on the allegations being considered.

## Student Disciplinary and Misconduct Panel Meeting

The Reporting Party will be asked to attend the Panel meeting first, followed by the Respondent. Each attend the Panel separately and have the opportunity to provide a statement to the Panel members. The Panel members will ask questions of the Reporting Party and Respondent to clarify points to help them in their decision-making. Witnesses may be invited by the Chair to attend to answer questions from the Panel. Parties will not be able to directly question one another. However, the Panel, at their discretion, may use information provided by one party when questioning another party.

If the Respondent and/or Reporting Party fail to attend the Student Disciplinary and Misconduct Panel without good cause, having had appropriate notice, the Student Disciplinary and Misconduct Panel may consider the case in their absence. In such cases, the evidential value placed on information submitted by the absent Party may be affected.

## Decision and Outcomes

The Student Disciplinary and Misconduct Panel will determine one of the following:

- The Respondent is **not in** breach of Regulation 7 concluding the Disciplinary Procedure
- The Respondent is in breach of Regulation 7 at Category C, and sanctions
- The Respondent is in breach of Regulation 7 at Category A or B, and sanctions

If the Student Disciplinary and Misconduct Panel recommend the expulsion of the Respondent, this recommendation will be considered by the Vice Chancellor. The Respondent and Reporting Party will be informed of this recommendation along with any other sanction(s) or measures preceding the expulsion. The Vice Chancellor's decision to accept or reject the Panel's recommendation to expel the Respondent will be communicated to the Respondent and the Reporting Party within 10 working days of the Student Disciplinary and Misconduct Panel meeting.

The Respondent and Reporting Party will be notified of the outcome in writing within 10 working days of the decision. Where sanctions have been applied, information that is shared beyond the Respondent will be determined by a Data Sharing Impact and Risk Assessment, on a case-by-case basis.

A Panel meeting report will be produced, and the Respondent and Reporting Party may request a copy.

## Appeals and Request for Review

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. Appeals need to be submitted within 10 working days of the outcome of the case.

A Reporting Party cannot normally appeal the outcome of a Student Disciplinary case. However, they are able to request a review of the process. Requests for review need to be submitted within 10 working days of the outcome of the case and should meet one or more of the following grounds:

- That there was procedural error in the conduct of the process which may cause doubt as to the determination reached
- That new evidence has been made available which the student could not reasonably have provided during the relevant process
- That there was bias during the relevant process which may cause doubt as to the determination reached

## Office of the Independent Adjudicator for Higher Education (OIA)

Once the University's internal procedures have been exhausted, if the student/Respondent/Reporting Party is dissatisfied with the outcome, they may raise a complaint with the [Office of the Independent Adjudicator for Higher Education](#).

Students who choose to ask the OIA to review their case must do so within 12 months of the date of their Completion of Procedures letter.

## Completion of Procedure Letters

A Completion of Procedures Letter (COP) is a letter which the University sends to a student when they have reached the end of all available stages of our internal discipline process.

Where it has been determined that a Respondent is **not** in breach of Regulation 7, we will automatically issue a COP within 28 calendar days of the final outcome which includes the conclusion of any related reviews, appeals and complaints.

Where it has been determined that a Respondent **is** in breach of Regulation 7, but they are out of time to submit an appeal, they are able to request a COP within 28 calendar days of receiving the outcome letter. In this case the COP would explain that the Respondent has not completed the University's internal processes.

A Reporting Party will be issued with a COP within 28 days of the final outcome of any submitted review or complaint. Where the Reporting Party is out of time to submit a request for review or complaint, they are able to request a COP within 28 calendar days of receiving the outcome letter. In such cases, the COP would explain that the Reporting Party has not completed the University's internal processes.

Students can also request a COP where a review, appeal or complaint is rejected (for example, if the University decides there is no grounds for it to be investigated at the next stage) within 28 calendar days of receiving this decision.

## Notification of outcomes

As well as the Respondent and Reporting Party, other parties may need to be made aware of the outcomes of a disciplinary procedure.

The Student Discipline Team will notify other teams and departments within the University and the SU of sanctions applied on a 'need to know basis' as determined by the University's administrative and safeguarding responsibilities (i.e. notification of a No Contact Order where the Respondent and the Reporting Party are in the same academic department or SU club).

Where a Respondent has been found in breach of Regulation 7 at a Category C level their academic department will always be informed.

A Referring Party will normally be notified of the end of the process. Witnesses will not normally be informed of outcomes and sanctions from this process unless determined by a Data Sharing Impact and Risk Assessment.

Should you have any queries about the Student Discipline Procedure, please contact the Student Discipline Team [student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk).