

# Student Discipline Procedure

## *for Student Apprentices*

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, Apprenticeship version](#)). This Procedure should be read in conjunction with Regulation 7, which sets out the applicable scope and relevant provisions on student discipline.

### 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 advice. Student Support Advisors will be able to provide practical support and advice, and can help you access a range of services.

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 Students' Union (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 advice on written statements, join you in meetings held under this Procedure and can help you to understand any outcomes from the disciplinary process.

Students will be offered the opportunity to bring a friend, family member or other Support Person to meetings held under this Procedure. 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 are not normally permitted to be represented by a legally qualified solicitor or barrister. The University may allow legal representation, in place of a Support Person, in exceptional circumstances. Requests for a legal representative will be considered by the Deputy Director (Student Policy and Safeguarding). The University will not communicate with a student's legal representative unless it has agreed a request for legal representation, but this does not prevent students from seeking their own legal advice.

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 meetings held under this procedure 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. There may be limitations on the information that can be shared with external reporting persons, and they are unable to

utilise appeal or complaints options.

**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 under this Procedure. 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.

**Working days:** Monday to Friday, excluding public holidays and days on which the University is closed.

## Referral to the Student Discipline Team

A report or referral of non-academic misconduct can be made to the Student Discipline Team directly by emailing the Student Discipline mailbox ([student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk)) or by contacting Security Services. Cases may also be triaged via the [Support and Report](#) service.

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 notice, the witnessed misconduct will be referred to the Student Discipline Team to be considered under this Procedure. No more than two fixed penalty notices can be issued to a student in any 12-month period. A student needing to be issued with a third fixed penalty notice will 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. In cases where there is a Reporting Party the University will only report the alleged incident to the police against their

wishes in exceptional circumstances. 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. In these cases, the University will explain its decision and the reasons for it to the Reporting Party either in advance or as soon as possible after the report is made.

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. However, precautionary measures will be considered and applied as necessary.

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 assessment

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

As part of this process relevant information will be made available to each party and shared with decision makers to support a full and fair investigation, and to enable the Respondent to test evidence provided. Sensitive information may be redacted to protect each party.

Where necessary for fair consideration and investigation of a disciplinary case, the University may share information internally, with the SU (for example, where a report is received about behaviour occurring as part of an SU affiliated event or within an SU club or society), **or with the student apprentice's employer.**

The Student Discipline Manager will determine whether the allegation/s may meet the definition of misconduct and whether a 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 Manager will determine one of the following:

- To refer the report for investigation and assign an initial category to the alleged

- misconduct
- To dismiss the report (providing alternative options for addressing the behaviour where possible)
- To refer the report for consideration under an alternative procedure

If not already in place, precautionary measures will be considered in relation to reports progressing to investigation.

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 Manager determines that an allegation of misconduct can be considered under this Procedure, they will appoint an Assigned Investigator to commence an 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 Assigned Investigator.

Before attending the interview, the Respondent will be provided with sufficient information from the evidence gathered to date, to assist them in sharing their perspective during the interview.

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.

During the investigation the Assigned Investigator will gather any further information relevant to the allegation. This may include taking witness statements. The Assigned Investigator will not collect character statements or character references.

All investigation meetings with the Respondent (in person and online) will be recorded on Microsoft Teams to assist the Assigned Investigator with producing accurate meeting notes. The recording is confidential and will only be available to the Assigned Investigator, and on request to the interviewee and decision-makers. Recordings will be held in accordance with the [University Records Retention Schedule](#).

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

The Assigned Investigator will conclude the investigation by producing an investigation report containing all submitted information and evidence relevant to the allegations being considered. The Assigned Investigator will provide case to answer recommendations based on the investigation to the Student Discipline Manager for consideration.

## Decision and Outcomes

Using the investigation report and the Assigned Investigator's case to answer recommendations the Student Discipline Manager will determine whether there is a case to answer, and then confirm the category of the alleged misconduct.

If the Student Discipline Manager's determination includes a change to the initial category of misconduct, and the alleged misconduct was directed at an individual/s, this decision will be ratified by a Chair of the Student Discipline Panel and/or Deputy Director (Student Policy and Safeguarding).

Where the Student Discipline Manager determines that there is no case to answer the Student Discipline process will end.

Where the Student Discipline Manager determines that there is a case to answer confirmed at Category A or B, the Respondent will be notified of this decision and given the opportunity to review all relevant gathered evidence and to submit any further responses including mitigations. The Respondent will have at least 5 working days from receipt of any additional information to make any further submissions.

The Student Discipline Manager will then determine one of the following:

- There has been no breach of Regulation 7
- There has been a breach of Regulation 7 by the Respondent and what sanction/s will be applied
- The case should be addressed through an alternative procedure

Where the Student Discipline Manager determines that there is a case to answer confirmed at Category C, they will refer the case to a Student Disciplinary and Misconduct Panel (SDMP) for decision making.

The Respondent will be notified of the outcome in writing within 10 working days of the decision. Other parties will be notified as soon as possible hereafter with information and outcomes relevant to them. Information that is shared beyond the Respondent will be determined by a 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, and it is determined that there is a case to answer, 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 and evidence items (redacted for confidential or sensitive information)

b. The names and roles of the SDMP members

The Respondent and Reporting Party will have at least 3 working days after receiving notice of the SDMP to:

- Notify the Student Discipline Team of any perceived conflicts of interest relating to the Panel members.
- Submit any comments they have on the Investigation Report and evidence items.
- 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 SDMP being rescheduled.
- Submit any questions they would like the Panel to raise with other parties including witnesses

The SDMP is provided with the Investigation Report, evidence items 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. Witnesses may be invited by the Chair to attend. The Panel members will ask questions of each attendee to clarify points to help them in their decision-making. Attendees will not be able to directly question one another but may ask questions via the panel, at the panel's discretion. The Respondent will have the opportunity to respond to any new information or evidence.

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

The Respondent will be notified of outcomes in writing within 10 working days of the decision.

If the Student Disciplinary and Misconduct Panel recommend the expulsion of the Respondent, this recommendation will be considered by the Vice Chancellor. During this time, precautionary measures applied during the process remain in place. The Vice Chancellor's decision to accept or reject the Panel's recommendation to expel the

Respondent will be communicated to the Respondent within an additional 5 working days from when they were notified of the outcomes from the Student Disciplinary and Misconduct Panel meeting.

Other parties will be notified as soon as possible hereafter with information and outcomes relevant to them. Information that is shared beyond the Respondent will be determined by a risk assessment, on a case-by-case basis.

A Panel meeting report will be produced which will include a summary of the panel meeting's proceedings and panel members' decision making. The Respondent and Reporting Party may request a copy.

## Sanctions

The Student Discipline Manager or SDMP (as appropriate) will determine the appropriate sanction/s for any misconduct under this Procedure, using the University's [Sanctioning Guidance](#). The Sanctioning Guidance in place at the time of the misconduct decision will be applied.

## Stage 4 - 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 appeal the outcome of a Student Disciplinary case.

However, they are able to request a review of the process. Requests for a 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 Reporting Party 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.

## Sharing of outcomes

The Student Discipline Team will notify other teams and departments within the University and the SU of relevant information and 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.

***The University may, at its discretion, share details of any proven breach of Regulation 7 and subsequent sanction with the student apprentice's employer.***

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).

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