

# University of Bath – Sanctioning Guidance

## **Contents**

- [Section 1: Sanctioning Principles](#)
- [Section 2: Categories and Sanctions](#)
- [Section 3: Aggravating and Mitigating Factors](#)
- [Section 4: Student Union Sanctions](#)
- [Section 5: Description of Warning as imposed through Regulation 7/8](#)

## Section 1: Sanctioning Principles

- This sanctioning guidance should not be considered exhaustive or prescriptive. It shows the kind of actions which constitute a breach of the University of Bath's [Disciplinary Regulations for Students](#), and the type of sanctions which could be applied in response.
- The purpose of these sanctions is education and risk mitigation, not just deterrence. Because of this, the nature of the sanction will normally be relevant and proportionate to the behaviour, for example attending an Alcohol Awareness course after an incident involving alcohol.
- Section 2 provides further guidance on the categorisation of misconduct outlined in the [Disciplinary Regulations for Students](#) and builds on '[Misconduct Made Clear](#)'. Prior history of misconduct and/or cumulative breaches are considered as compounding factors and will be taken into account when the misconduct is categorised.
- The University will consider both the severity of the offence, and the severity of the impact on the University community when deciding on sanctions.
- The sanctions are not mutually exclusive, and Respondents may have multiple sanctions applied.
- The University will consider potential mitigating and aggravating factors when determining the sanction to be applied. These will include, but are not limited to, those listed in Section 3.
- A decision by the University to recommend temporary or permanent exclusion from the Students' Union (SU) will be guided by the [SU's Student Member Disciplinary Policy](#) (Section 4). It will be at the discretion of the SU whether the exclusion sanction is applied. Exclusion from the SU includes all SU venues, committees, activities, events and blocking of website permission and services.

### Definition of key terms are below

- Compounding: A factor which is taken into account when categorising the misconduct.
- Aggravating: A factor which makes an incident more serious or the respondent more culpable.
- Mitigating: An extenuating circumstance in relation to the Respondent or circumstances of an incident.
- Exclusion: A student who is excluded from the University has restricted rights to enter University premises, and to participate in University activities, which may include study. An order of exclusion does not affect the student's status as a member of the University.
- Suspension: A student who is suspended is suspended from their academic studies for a fixed period of time. An order of suspension does not affect the student's status as a member of the University.
- Expulsion: An expelled student ceases to be a member of the University, and loses all rights and privileges of membership.
- University Community: Refers to students, staff (including casual and voluntary workers), honorary and visiting staff, volunteers, third parties (including contractors, non-executives, clients or customers of the University) and those involved in the governance of the University.

## Section 2: Categories and Sanctions

Examples of the types of misconduct in each Category and examples of sanctions which may apply to these:

| Misconduct   | Sanction  |
|--|---|
| <p><b>Category A Misconduct</b></p> <p><i>Where no or minimal harm or disruption caused, or there is a limited impact on the functioning of the University, or an accidental breach.</i></p> <p>Accidental damage to property<br/>           Accidental or inadvertent Health and Safety violations<br/>           Noise disturbance<br/>           Smoking in unauthorised areas<br/>           Parking violations<br/>           Unauthorised guests<br/>           First violation of Class B drugs possession</p>  | <p>Fixed Penalty Notice (£50 or £100)</p> <p>Category A Warning</p> <p>Written Apology to aggrieved parties through Student Discipline</p> <p>Fine of up to £100</p> <p>Payment of replacement or compensation costs for loss or damage of property</p> <p>Attendance at appropriate training</p> <p>Recommendation to the SU of temporary exclusion from premises, activities and groups under the control of the SU</p>   |
| <p><b>Category B Misconduct</b></p> <p><i>Where moderate harm or disruption caused, or there is a moderate impact on the functioning of the University.</i></p> <p>Second violation of Class B drugs possession<br/>           First violation of Class A drugs possession<br/>           Graffiti-ing University property<br/>           Offensive posts on social media<br/>           Theft of items from members of your accommodation (i.e. stealing food)<br/>           Interfering with fire safety equipment<br/>           Urinating on University property<br/>           Public noisiness and/or disruption</p>  | <p>Category B Warning</p> <p>Written Apology to the aggrieved parties through Student Discipline</p> <p>Fine of up to £250</p> <p>Attachment of such conditions as are fit to the continued pursuit of the student's studies</p> <p>Payment of replacement or compensation costs for loss or damage of property</p> <p>Attendance at appropriate training</p> <p>Recommendation to the SU of temporary exclusion from premises, activities and groups under the control of the SU</p>   |
| <p><b>Category C Misconduct</b></p> <p><i>Where significant harm or disruption caused, or there is a severe impact on the functioning of the University or sustained or repeated misconduct.</i></p> <p>Supplying controlled drugs or repeated possession of drugs<br/>           Causing substantial damage to University or SU property<br/>           A sustained period of abuse or harassment towards another member of the University community<br/>           Physically hurting another member of the University Community<br/>           Acting in a threatening and/or aggressive manner towards another member of the University Community<br/>           Theft from a member of the University Community<br/>           Sexual misconduct<br/>           Breach of Dignity &amp; Respect Policy<br/>           Repeated breaches of misconduct</p> | <p>Category C Warning</p> <p>Fine of up to £500</p> <p>Payment of replacement or compensation costs for loss or damage of property</p> <p>Attendance at appropriate training</p> <p>Attachment of such conditions as are fit to the continued pursuit of the student's studies</p> <p>Exclusion from all University accommodation</p> <p>Recommendation to the SU of temporary exclusion from premises, activities and groups under the control of the SU</p> <p>Temporary or permanent exclusion from part of or all University premises</p> <p>Suspension from the University for a fixed period of time</p> <p>Recommendation of expulsion from the University</p> <p><i>*The University does not usually consider fines appropriate for misconduct against a person e.g. sexual misconduct.</i></p> |

The following compounding factors will be taken into account when categorising misconduct:

- A prior history of misconduct
- Previous history of misconduct involving the same or similar types of behaviour
- Cumulative breaches, for example repeatedly smoking in room

### Section 3: Aggravating and Mitigating Factors (examples only)

**Aggravating Factors:** *A factor which makes an incident more serious or the Respondent more culpable in cases where the factor is not the prime focus of the allegation. Some aggravating factors are integral to certain breaches and thus already reflected in the sanction. In these cases they cannot be used as justification for increasing the sanction. If two or more of the factors are similar care needs to be taken to avoid 'double counting'.*

- The use of alcohol/drugs by Respondent
- A repeated breach against the same individual(s)
- The misconduct was motivated by, or demonstrated discrimination towards others
- Use of violence/force/threats/intimidation and /or use of a weapon
- A refusal by the Respondent to stop misconduct (e.g. after being asked to stop)
- The Respondent was aware of the vulnerability of the Reporting Party
- The misconduct was premeditated
- There was an abuse of power and/or a position of trust
- Trying to blame the Reporting Party, despite evidence clearly supporting the Respondent's guilt
- Multiple Reporting Parties

**Mitigating Factors:** *An extenuating circumstance in relation to the Respondent or circumstances of an incident*

- Isolated behaviour (no prior history of misconduct)
- Admitting the misconduct at the earliest opportunity
- The Respondent has taken responsibility for their actions, expressed sincere remorse and intention not to do it again
- The Respondent acknowledged the impact their behaviour/actions has had on those affected
- There was a lack of intent – the misconduct was committed accidentally, by mistake, or was unintentional
- The Respondent was provoked
- The Respondent attempted or offered to make amends following the misconduct

## Section 4: Student Union Sanctions

### University Disciplinary

The SU can refer any report to the University to investigate but usually this will be if they determine that:

- the misconduct did not occur at an activity organised by The SU or its Student Groups;
- the allegation concerns either drugs, discrimination, sexual misconduct or harassment.

Where a Student Member is referred to the University The SU reserves the right to suspend them from The SU as a precautionary measure until an outcome is received from the University.

The University can recommend that The SU issue a sanction that is in accordance with this policy to any Student that they have conducted a disciplinary for.

Any sanction recommended by the University can only be appealed under their disciplinary procedures.

### Sanctions

A ban will normally be from all activities organised by The SU or its Student Groups with the exception of The SU Advice & Support team.

Bans issued will normally be in accordance with or proportionate to those within this policy and may exclude holiday periods.

The SU takes a firm stance against misconduct directed at staff and will normally issue longer bans where this occurs.

Under exceptional circumstances, where the severity of the misconduct justifies it, a lifetime ban may be issued for any misconduct.

| Misconduct           | Definitions   | Sanction       |
|----------------------|---|----------------|
| Unauthorised entry   | Attempting to or entering an SU venue/event without permission  | 2 week ban     |
| Disruptive behaviour | Causing unreasonable low level disruption to others   | 2-4 week ban   |
| Loss of property     | Damage to or causing loss of property (less than £100)  | 4-6 week ban   |
| Risking harm         | Unintentionally risking harm through careless behaviour   | 6-8 week ban   |
| Bullying             | Offensive and/or intimidating behaviour   | 8-10 week ban  |
| Violent Behaviour    | Attempting to or intentionally harming another person   | 10-14 week ban |
| Discrimination       | Unjust treatment of another person based on a <b>protected characteristic</b> ( <i>age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation</i> ) | 14-18 week ban |
| Sexual misconduct    | Inappropriate sexual behaviour that violates personal boundaries  | 18-26 week ban |
| Harassment           | Bullying, discrimination or sexual misconduct that has occurred over a sustained period of more than a week   | 26-34 week ban |
| Breaching a ban      | Breaching an SU ban or precautionary separation measures  | 10-20 week ban |

## Section 5: Description of Warnings as imposed as part of Regulation 7/8

### Witnessed Misconduct

Minor misconduct (which could be classified as Category A) may be addressed via:

- a) Verbal Advice
- b) Fixed Penalty Notice (£50 or £100)

### Warnings

#### **Accommodation Warnings**

Category A, B and C warnings may incorporate an accommodation warning where the student resides in University-managed accommodation.

#### **Issuing a warning**

When a student is issued with a warning, it should include:

1. a sufficiently detailed explanation of what the student has done wrong and when this occurred;
2. identification of which part of the Regulation 7/8 has been breached/imposed;
3. what the student needs to do to ensure that the problem does not recur, and a direction as to which behaviour(s) must not be repeated;
4. timescale of expected improvement (eg if a Category A warning, it will be removed after 12 months and no further internal reference made);
5. if the problem behaviour is a repetition of previous behaviour that led to a warning;
6. what the consequences will or may be, if the problem or problems recur or continue unabated;
7. if relevant, what effect the warning will or might have on the student, their studies and their future career;
8. the duration that a warning will be kept on a student record;
9. an explanation of the appeal process.