



STUDENT CONDUCT PROCEDURE 2023/2024

Title: Student Conduct Procedure					
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INTERPRETATION:

University roles, where stated, should be interpreted as the role or equivalent role for the purposes of the application of the procedure.

SECTION ONE: INTRODUCTION

- 1.1 The Student Conduct Procedure should be read in conjunction with the Student Code of Conduct, which details expectations of behaviour.
- 1.2 The Procedure that applies will be the Procedure in operation during the year in which the allegation is received.
- 1.3 Student conduct matters for students enrolled on a course leading to professional registration and/or a license to practise in a professional context will be dealt with under the University's Fitness to Practise Procedure.
- 1.4 References to 'apprentice' throughout this procedure refer to apprentices/Operational Policing students. The Dean of Faculty (or nominee) will decide whether any allegation/ongoing investigation for apprentices on other courses should be reported to the employer.
- 1.5 Breaches of the Student Code of Conduct by apprentices on policing courses/Operational Policing students will be reported to the apprentice/Operational Policing student's employer by the Dean of Faculty (or nominee). The procedures of the relevant police force will take primacy. No investigation under the University's Student Conduct Procedure will take place until the outcome of the police investigation is known.
- 1.6 Breaches of the Student Code of Conduct by students who are also members of staff of the University may be dealt with under the Human Resources disciplinary procedures.

SECTION TWO: GENERAL PRINCIPLES

- 2.1 The University has a responsibility to provide an environment that is safe, respectful and tolerant. Consequently, it is expected that students, their representatives and staff members act reasonably and fairly towards each other and treat the process with respect.
- 2.2 The outcome of any disciplinary or review hearing will be determined on the balance of probabilities¹, according to reasonable belief that the allegation is more likely to be true than not. The burden of proof determines whose responsibility it is to prove an issue. In relation to student conduct allegations, the burden of proof rests with the University.
- 2.3 In implementing this Procedure, the University will ensure that the Responding Student is informed of the case against them and given a proper opportunity to reply to that case before any decision is made.

¹ This means that the circumstances were more likely than not to have happened. This is a lower standard than 'beyond reasonable doubt'.

- 2.4 If the Reporting Party or any witnesses (who are students at the University) are dissatisfied with the way in which the Procedure has been handled, they may be able to submit a complaint using the Student Complaints Procedure.
- 2.5 Students may on occasion believe that they have cause to complain about the behaviour of another student towards them, which has affected them personally. Where the issues concerned have no bearing on University activities, they will not be dealt with under this Procedure.
- 2.6 The University recognises that with advances in modern technology, it is easier to make covert recordings ie, recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Regulation of Investigatory Powers Act 2000/Investigatory Powers Act 2016 (as appropriate). In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant's Article 8 right (to private and family life) under the Human Rights Act and the UK's data protection regulations.

In addition, a recording should only be used for the purpose for which it was made and should not be made available to a third party without the consent of the individual it refers to, unless there is lawful reason to do so.

For these reasons, the University will only permit the use of such recordings in student conduct cases, in exceptional circumstances.

The facts that will be considered are:

- The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
 - The extent to which the evidence has been obtained unlawfully or its use otherwise interferes with privacy rights.
 - The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.
- 2.7 Where an allegation of misconduct is made against a group of students, a decision will be made on whether it is more appropriate to consider the case as a group or whether to consider each case individually. Where a case is to be considered as a group, each Responding Student will be given the opportunity to meet with the Investigating Officer and, should the case be referred to a hearing, to submit a written representation and, at the hearing, to present their case individually. Each Responding Student will be provided with a copy of the evidence to be considered and their individual circumstances will be taken into account when making decisions. Where a Disciplinary Committee hears each case individually, the members of the Committee will be the same for each hearing.
- 2.8 New or amended allegation(s) that are made, or come to light, during the course of an investigation will be communicated to the Responding Student in writing. The Responding Student will be given the opportunity to comment on the new/amended allegation(s) and any comments made will be shared with all relevant parties.

- 2.9 A student who is the subject of an allegation has the right to be informed of, and respond to, those allegations so that they are able to defend themselves. Anyone making an allegation must accept that their statement and supporting evidence will be provided to the Responding Student. Consequently, allegations made anonymously will not normally be accepted by the University. In addition, the University will not normally take into account witness statements, where the witness requires that they remain anonymous. Whether to allow the consideration of an anonymous allegation/witness statement will be the decision of the Head of Student Casework, in conjunction with relevant staff as deemed appropriate.
- 2.10 The University will share with the Reporting Party relevant findings and penalties only where they have a direct impact on the Reporting Party.
- 2.11 Details on responsibilities for communication at each level of the Student Conduct Procedure are included in the Communication Plan.
- 2.12 A list of **non-exhaustive** examples of possible misconduct are included in the Code of Conduct and in sections 5.1 and 6.1 of this Procedure.
- 2.13 The Academic Registrar (or nominee) has the authority to approve amendments to the panel composition if required.
- 2.14 Allegations of misconduct should be brought as soon as reasonably possible and ordinarily no later than three months after the last instance giving rise to the allegation of misconduct. The exception to the ordinary timeframe of three months is for any case involving an allegation of misconduct which is also a criminal offence (see section 6.7-6.10) or unless there is a good reason why the allegation of misconduct was not brought within three months.
- 2.15 A voluntary, mutual agreement between students (No Contact Agreement (NCA)) to limit the likelihood of contact between them, except for that which is necessary for their academic pursuits, may be put in place prior to or during the operation of this Procedure. An NCA does not constitute a finding of responsibility for breaching the University's Student Code of Conduct.
- 2.16 Where there is any ambiguity concerning which procedure should be applied due to the nature of an allegation, the Head of Student Casework (or nominee) will liaise with the Dean of Faculty (or nominee) before deciding on the appropriate procedure. An example of this may be when there are elements in the allegation which would be more appropriately considered under the Academic Misconduct Procedure. If more than one procedure applies and it is necessary to follow one before the other, the outcome of the first may be used to inform the subsequent procedure(s).

SECTION THREE: ADVICE AND SUPPORT

- 3.1 The University is committed to safeguarding the emotional, mental and physical well-being of all parties involved during the operation of its Student Conduct Procedure.
- 3.2 The Student Casework Unit provides authoritative, formal guidance to staff and students on the applicability and operation of the Student Conduct Procedure.

Advice and support for students

- 3.3 It is recognised that bringing an allegation of misconduct or being the subject of an allegation of misconduct can have an adverse impact on the welfare of students. Advice and support are available from:
- The Students' Union - <https://www.uswsu.com/academic>
Student Services - <https://advice.southwales.ac.uk/a2z/student-services/>
The Chaplaincy - <http://chaplaincy.southwales.ac.uk/>
Immigration and International Student Advice - <https://intadvice.southwales.ac.uk/>
- 3.4 A Reporting Student and the Responding Student will be referred to the Advice Zone and the University's Extenuating Circumstances Procedure, if there is reason to believe that the case has affected their academic studies.
- 3.5 The Responding Student and the Reporting Party are allowed to have a support person with them at any discussions, meetings or hearings; for example, an officer from the Students' Union or a friend. The role of the support person is to provide support during the meeting. Their role is normally not to represent the student, or to advocate on their behalf or to speak for them, unless this has been agreed as a reasonable adjustment due to a disability. The student cannot send any other person to the meeting on their behalf. At least 48 hours before the meeting, they must advise the University of the name and status of the person accompanying them. It is strongly recommended that students seek support from the Students' Union or Chaplaincy as they are independent and familiar with the regulations and procedures of the University.
- 3.6 The Head of Student Casework (or nominee) reserves the right to refuse the attendance of a support person if it is determined that there is a conflict of interest relating to the nominated person, in which case, the student will be given the opportunity to nominate a different support person.
- 3.7 The University of South Wales' procedures are not legal in nature and consequently, you should not need to have a legally qualified support person or representative at hearings/meetings. However, you are able to seek preliminary advice, without prejudice, on the scope and nature of evidence you intend to submit in support of a case that is particularly complex.
- 3.8 While you do not have an automatic right to a legally qualified support person or representative, if you wish to be supported/represented at a hearing/meeting, you must apply for permission in writing to the Student Casework Unit (studentcasework@southwales.ac.uk) at least five working days before the scheduled date of the hearing/meeting. You must include in your representation the name of the proposed representative and the rationale for your request.
- 3.9 The University reserves the right to accept or refuse a request for a legally qualified support person or representative to attend any meetings/hearings, depending on whether a good reason is provided and the complexity and seriousness of the case. Should such a request be approved, the University reserves the right to also have a legally qualified person/representative in attendance. Legally qualified support persons/representatives will be clearly informed of the nature of the proceedings, ie, that they are not a legal process and will not be conducted as such.

Mitigating factors

- 3.10 The University will consider mitigating factors when deciding on a penalty in relation to upheld allegations.
- 3.11 The Responding Student should inform the Student Casework Unit at the earliest opportunity of any mitigating factors that they wish taken into account.
- 3.12 Examples of mitigating factors that the University may take into account include (but are not limited to):
- admitting to, and demonstrating genuine remorse for actions;
 - where an act is committed without sufficient consideration of the impact/consequences, rather than maliciously;
 - the impact of ill health;
 - extreme personal circumstances.
- 3.13 In certain cases, the University may decide to put this Procedure on hold pending further advice or may refer the Responding Student to the Support to Study Procedure.

Advice and support for staff

- 3.14 It is recognised that dealing with student conduct matters can cause pressure for staff. The University runs a Staff Support Scheme, details of which can be found on the Human Resources website. In addition, the Chaplaincy has considerable experience of dealing with sensitive matters and is available to offer formal and informal confidential advice and support.

SECTION FOUR: PENALTIES

- 4.1 Amendments to these penalties may be considered and applied as a reasonable adjustment depending on the student's individual needs.

Written apology

- 4.2 The Responding Student may be required to write a written apology; this could be to the relevant individual, or to the University. If the University is dissatisfied with the apology, the Responding Student may be asked to re-write it or the case may be referred back for further action under the Student Conduct Procedure.

Warnings

- 4.3 There are three categories of formal warnings that may be issued depending on the seriousness of the misconduct.
- a) Verbal warning
 - b) Written formal warning – will remain on record for a specified period, normally one year. Any repeated occurrence of a similar offence may result in a recommendation to the Vice-Chancellor, or their nominee, that the Responding Student be referred to a Disciplinary Committee.

- c) Final written warning – any further cases of misconduct may be dealt with directly by a Disciplinary Committee, and the proven offence will be taken into consideration when determining a penalty.

Charges

- 4.4 The Responding Student may be required to make good any damage they have caused at their expense, up to £1000. The charges will be paid to the owner or possessor of the property damaged. Consideration will be given to the means of the Responding Student and they may be allowed time to pay the sum or be allowed to pay the sum in prescribed instalments.

Restrictions/conditions

- 4.5 Restrictions or conditions may be imposed on the Responding Student under level 1 or level 2 of this Procedure. Examples are: support to be sought from Student Services; no direct contact to be made with another student (No Contact Order (NCO)). Where it is deemed in the student's best interests, a referral may be made to an educational programme.

Exclusion

- 4.6 The Disciplinary Committee has the authority to exclude the Responding Student from specific campuses, certain areas of a campus, such as the Students' Union, Halls of Residence or the Sports Hall. In such cases, the Responding Student will normally be allowed to attend the University for education and support purposes only.

Suspension

- 4.7 The Disciplinary Committee has the authority to suspend the Responding Student from the University on disciplinary grounds for such period as the Disciplinary Committee considers just and reasonable in the circumstances. Conditions may be imposed on the Responding Student's return to study. Responding Students who are suspended may be required to pay a proportionate amount of fees dependent upon an assessment of fees already paid and the teaching already received. Any marks that have not been ratified by the assessment boards prior to the suspension may be removed.

Expulsion

- 4.8 The Disciplinary Committee has the authority to expel the Responding Student from the University on disciplinary grounds. The Responding Student may be required to pay a proportionate amount of fees dependent upon an assessment of fees already paid and the teaching already received. Any marks that have not been ratified by the assessment boards prior to the expulsion may be removed.

Application of penalties

- 4.9 The penalties set out in Section Nine 'Guidelines for the Application of Penalties' are illustrative only.
- 4.10 Multiple or repeated incidents of misconduct may be more serious than a single act of misconduct and previous findings may be taken into account when determining what penalty should be imposed.

- 4.11 Penalties may be imposed on responding parties who have graduated, where an offence took place whilst they were a student at the University. This would normally constitute a formal written warning that would remain on the Responding Student's record for a specified period of time.

SECTION FIVE: LEVEL 1 - MISCONDUCT OF A MINOR NATURE

- 5.1 Minor misconduct is an act or behaviour which is not serious enough to constitute serious misconduct under this Procedure. Some non-exhaustive examples of minor misconduct are provided below, and can include acts committed using technology, including social media as well as in person:
- Anti-social behaviours which cause upset or distress to other individuals
 - Damage to property without malicious intent
 - Failure to comply with the reasonable request of an authorised individual
 - Failure to provide a name and address to an officer or employee of the University when reasonably requested to do so
 - Act/omission that did cause or could have caused a health and safety concern on University premises or during University activities (for example, smoking cigarettes in non-designated areas);
- 5.2 Allegations must be made to the Student Casework Unit, on the Allegation of Misconduct Form as soon as possible after the occurrence of the issue. The Code of Conduct, Procedure and forms can be found at the following web page: <https://registry.southwales.ac.uk/student-regulations/student-conduct/>. Evidence should be provided, where possible, to support any allegations and this must be submitted in a timely manner.
- 5.3 The Responding Student will be called to a meeting with the relevant Dean of Faculty (or their respective nominees). A member of the Student Casework Unit will attend as the Case Officer (but will not be a decision-maker). If the student is an apprentice/Operational Policing student, an employer representative will also be invited to attend as an observer.
- 5.4 The relevant Dean of Faculty (or their respective nominee) is able to issue penalties, if appropriate, as detailed in sections 4.1 to 4.5.
- 5.5 The relevant Dean of Faculty (or their respective nominees) can request an investigation into the issue raised if it is deemed necessary.
- 5.6 The outcome will be provided to the Responding Student within five working days of the meeting. If the Responding Student is an apprentice/Operational Policing student, the Dean of Faculty (or nominee) will inform the Responding Student's employer.
- 5.7 If a penalty is applied, a note of the outcome of the meeting will be held on the Responding Student's record but will be removed when the Responding Student leaves the institution if there are no further instances of misconduct.
- 5.8 If the Responding Student is not satisfied with the outcome, they may submit a request for review subject to meeting certain grounds as detailed in section 7.

- 5.9 If the Responding Student does not comply with the penalty issued at level 1, a more severe penalty may be issued by the Dean of Faculty (or nominee) or a referral may be made to level 2 of this Procedure.

SECTION SIX: LEVEL 2 - MISCONDUCT OF A SERIOUS NATURE

Reporting incidents of misconduct

- 6.1 An act or behaviour is defined as serious misconduct where it may cause the University to question a student's ability to fulfil their obligations under the Student Charter and Student Code of Conduct. Some non-exhaustive examples of serious misconduct are provided below, and can include acts committed using technology, including social media as well as in person:

- Serious or persistent acts of intimidation, bullying or harassment
- Physical assault
- Sexual misconduct
- Serious threatening, offensive or indecent behaviour
- Discriminatory treatment of others in contravention of the University's Strategic Equality Plan or Dignity at USW policies
- Theft, fraud or falsification of records
- Serious infringement of University regulations including the IT Computing Regulations and Health and Safety Policy
- Carrying or use of an offensive weapon or firearm
- Failure to disclose important relevant information to the University as required by University regulations/procedures
- Multiple or repeated acts of minor misconduct.

- 6.2 Allegations must be made in writing using the Allegation of Student Misconduct Form (forms are available using the link in section 5.2). Evidence should be provided, where possible, to support any allegations and this should be submitted in a timely manner.

- 6.3 Where there is doubt as to whether the Responding Student's Dean of Faculty is the appropriate person to deal with the allegations (eg, where the incident involves students in more than one faculty or is related to the work of a central University department, or where the incident occurs in Halls of Residence), the Head of Student Casework (or nominee) will advise.

- 6.4 The Responding Student's Dean of Faculty (or nominee), in consultation as appropriate with the Head of Student Casework (or nominee) will consider the nature and seriousness of the allegations with a view to deciding whether an investigation should take place or whether the matter should be handled under level 1 of this Procedure.

Precautionary action for the purpose of investigation

- 6.5 A Risk Assessment Panel may be convened to make recommendations in the context of safeguarding² the Responding Student/Apprentice/Operational Policing student themselves, the Reporting Party, other members of the University community or the University's reputation.

² The term safeguarding is used here to refer to the protection of health, well-being and rights of individuals.

- 6.6 If a case is particularly urgent or sensitive the University Secretary (or nominee), may approve a precautionary action until a Risk Assessment Panel meeting can take place.
- 6.7 Further information on the process can be found in the Risk Assessment Procedure.

Misconduct which is also a criminal offence

- 6.8 The University has a duty of care to its staff and students and therefore must be informed of any alleged criminal activity by its students. If at any time during their enrolment, a student is cautioned, or arrested for, or charged with a criminal offence they are required to report this immediately and to report on the progress of any criminal proceedings to the University Secretary or Head of Student Casework (or nominees). If a student is sent for trial, the University Secretary or Head of Student Casework (or nominees) must be kept informed at all levels either by the student or by their solicitor/representative. If a student is subsequently convicted, then this must also be reported along with details of any penalty or sentence imposed. Failure to advise the University of a criminal offence, including a caution or reprimand, as soon as possible after the arrest, will be regarded as misconduct.
- 6.9 Applicants, after receiving an offer of a place, are asked to contact Enquiries and Admissions to disclose any 'unspent' convictions and associated penalties, which are considered relevant.

Relevant convictions are those which have implications for the University's duty of care towards the safety of their students, staff and visitors. This includes but is not limited to convictions involving:

- violence;
- sexual offences;
- supply of drugs;
- firearms;
- arson;
- terrorism.

This may also apply to applicants who have been included on the barred list without conviction. The barred list contains details of individuals that have been banned from working with children or vulnerable adults due to past behaviour.

This is because the University may need to mirror any restrictions and conditions that have been put in place.

Failure to disclose may be regarded as misconduct under this Procedure. Further information can be found in Enquiries and Admissions' [Criminal Convictions policy](#).

- 6.10 The University expects that students will report an allegation of a criminal offence to the police; however, in some circumstances the allegation will be made by the University on behalf of the Reporting Party. In exceptional circumstances, the University will report an alleged crime to the police contrary to the wishes of the Reporting Party if disclosure of the information is necessary to protect the Reporting Party, or others, from harm or prevent a further crime taking place. In deciding whether to make such a disclosure and in deciding what information to disclose, the University will take into account its obligations under the General Data Protection Regulations/Data Protection Act and any potential harm that the unauthorised disclosure may cause to the Reporting Party. If the Reporting Party decides not to

involve the police, they will still have the option of requesting that the University considers the matter under the Student Conduct Procedure. The University may of its own volition, also decide to engage the Student Conduct Procedure. In these circumstances, the case will be dealt with as a potential breach of this Procedure and not as a criminal offence.

6.11 Conduct, which may constitute a criminal offence, may also amount to misconduct which, in addition to any criminal process, may be dealt with under this Procedure, if that conduct:

- took place on University premises; and/or
- affected other members of the University; and/or
- damaged or was likely to damage the reputation of the University; and/or
- impacts on a student's fitness to practise and/or
- may cause feelings of vulnerability within the University community.

6.12 The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law:

- a) No disciplinary action (other than precautionary action – see sections 6.4 to 6.6) will be taken while a case is under investigation by the police and either the Responding Student has been prosecuted or a decision not to prosecute has been taken, at which time the Vice-Chancellor (or nominee) may decide whether disciplinary action may be taken.
- b) Where a finding of misconduct is made and the Responding Student has been sentenced by a criminal court in respect of the same facts, the court's penalty will be taken into consideration in determining any penalty under the University's regulations. Further investigation by the University will not normally be required, as the conviction/caution will be taken as evidence that the behaviour took place. The Head of Student Casework (or nominee) in conjunction with the Dean of Faculty (or nominee) will determine whether an investigation is required.
- c) When a custodial sentence of less than six months has been imposed, the Responding Student will normally be required to suspend studies for the duration of the custodial sentence. The University's Disciplinary Committee will consider the date of the Responding Student's return to studies, taking into account their individual circumstances.
- d) Where the custodial sentence is more than six months or longer than the remainder of the duration of the Responding Student's course, the University will withdraw them. The Responding Student is able to request a review of this decision. The request for review will be considered by the Vice-Chancellor (or nominee) and a member of senior management. The role of the Review Panel is to consider whether the decision of the University Secretary (or nominee) was correct based on the current regulations and evidence available to them at the time; and to consider whether any new evidence could overturn this decision. In the case of a difference of opinion between the two members of the Review Panel, the Vice-Chancellor (or nominee) will have the casting vote.

Investigations into cases of misconduct

6.13 An Investigating Officer will be appointed by the Student Casework Unit, in conjunction with the relevant Dean of Faculty (or nominee). The Investigating Officer

will normally be one of the University's Professional Investigating Officers. If an Investigating Officer from the faculty is required, they will normally be from outside of the school in which the student is based and will have no prior knowledge of the case. In certain circumstances, the University may decide to employ a specialist investigator external to the University.

- 6.14 The Responding Student will be informed, in writing, of the nature and seriousness of the allegations, that they are the subject of an investigation, and the identity of the Investigating Officer who will look into the case against them.
- 6.15 Investigating Officers will undertake appropriate training and will receive written guidelines on how to conduct investigations.
- 6.16 The Investigating Officer will conduct an investigation into the allegations within 30 working days. The timescale may be extended by agreement with the Responding Student or, in exceptional circumstances, by the University.
- 6.17 Any meetings with the Responding Student will be held at their campus unless, due to the allegations, this is inappropriate, or via electronic means, eg, via video conference.. The Student Casework Unit will correspond with the Reporting Party and the Responding Student in relation to any delays in the process.
- 6.18 Where an investigation highlights the need for a referral to the Support to Study Procedure the nature and length of the investigation may require adjustment from the usual form or may be suspended pending the outcome of investigations under this Procedure.
- 6.19 Following completion of the investigation, the Investigating Officer's report will be presented to the Dean of Faculty (or nominee). The Dean of Faculty (or nominee) will liaise with the University Secretary (or nominee)/Head of Student Casework (or nominee) as necessary. A decision will be taken as to whether there is a case to answer and, if so, whether the faculty already has sufficient evidence to reach a conclusion on the case and to apply a penalty under level 1 of this Procedure or whether the case should be referred to a Disciplinary Committee.

Disciplinary Committee

- 6.20 A Disciplinary Committee will consider serious cases of misconduct by students. Disciplinary Committees will be constituted as follows:
 - one member of the University's senior management (Chairperson);
 - one staff member of the Academic Board;
 - the President of the Students' Union or nominee.

Disciplinary Committee hearings will be serviced by a Secretary, who is not a member but will be present throughout the proceedings. The Secretary will be the Head of Student Casework (or nominee).

The members of the Disciplinary Committee will have had no previous involvement with the case(s) or association with the student(s). The Students' Union representative will not have previously supported the student during the case.

The Responding Student will be informed of the constitution of the Committee prior to the documentation being circulated and will be given the opportunity to raise any

concerns in relation to membership, for example if they have grounds to consider that a member may be biased.

If the Responding Student is an apprentice/Operational Policing student, an employer representative will also be invited to attend as an observer.

6.21 The functions of the Disciplinary Committee are as follows:

- a) To consider reports from Investigating Officers in respect of serious allegations of misconduct.
- b) To establish, as far as possible, the facts of the case, and call witnesses where necessary.
- c) To consider appropriate action as detailed in the penalty list.
- d) To agree that there is no case to answer. Under these circumstances, the University will ensure so far as possible that the Responding Student has not been disadvantaged by any disciplinary action or suspension.
- e) To report its decision to the Vice-Chancellor and the University Secretary.

6.22 Penalties, other than suspension and expulsion, will only be imposed after the request for review period has expired.

6.23 The Disciplinary Committee will normally be convened within 20 working days of referral of the case. The Responding Student will be provided with the date for the hearing of the Disciplinary Committee by the Student Casework Unit, not less than 10 working days before the hearing. This timescale may be extended in exceptional circumstances by the University, including (but not limited to) where a student has requested legal representation. Should the Responding Student, for good reason, require a revised date the hearing will be rearranged once only. The Responding Student must inform the University at least 48 hours in advance of the original hearing if they require a revised date.

6.24 Should the Responding Student not wish to or not be able to attend the hearing, it will take place in their absence; in that case, however, they are strongly advised to provide a written submission.

6.25 Students are able to call witnesses to support their case. The Student Casework Unit must be informed by the Responding Student of any witnesses that will be attending at least 48 hours in advance of the hearing. The Responding Student is responsible for ensuring that any witnesses they wish to call are notified of the date, time and venue for the hearing.

6.26 For the purpose of this procedure, and where applicable, the Reporting Student is classed as a witness. The Reporting Student will be invited to attend the hearing. However, they are not required to attend and consequently are able to decline any such invitation.

6.27 The University may require members of staff and any other persons relevant to the case to attend the hearing as witnesses. The student will be informed of the names of any witnesses prior to the hearing.

6.28 The hearing may take place in person or via electronic means. The Responding Student and their witnesses are not able to send any other person to attend on their

behalf. However, they are able to request attendance via electronic means, eg, via video conference. Any party requiring attendance at a hearing via electronic means must inform the Student Casework Unit in writing no later than five working days in advance of the hearing. Where this has been agreed the Student Casework Unit will inform members of the Disciplinary Committee in advance of the meeting and facilitate this with the individuals involved.

- 6.29 The Secretary will send to the Responding Student and members of the Disciplinary Committee a copy of all documentation received not less than 10 working days before the hearing.
- 6.30 The Responding Student will be invited to set out their case in writing prior to the hearing; this statement should detail any mitigating factors the Responding Student wishes the Disciplinary Committee to take into account. It is the Responding Student's responsibility to provide any written material in support of their case. This should be sent to the Secretary of the Disciplinary Committee not less than five working days before the hearing. The Secretary will circulate written material submitted by the Responding Student at least three working days before the hearing.
- 6.31 Depending on the circumstances of the case and the nature of the allegation, and where it is deemed appropriate by the Chair of the Disciplinary Committee, the Reporting Party and any other person impacted by the allegation may be invited to submit an Impact Statement.

If the Responding Student admits responsibility, the Impact Statement may be provided to, and discussed with, the Responding Student before the outcome and penalty is agreed.

If the Responding Student denies responsibility, the Impact Statement will be reviewed by the Disciplinary Committee only if the allegation is upheld, and before a penalty is determined, to assist the Committee in deciding on an appropriate penalty. If an Impact Statement is submitted and reviewed by the Disciplinary Committee in deciding a penalty, a copy may be provided to the Reporting Party with the outcome letter.

- 6.32 The Disciplinary Committee will not receive written material that has not also been made available to the Responding Student prior to making their decision.
- 6.33 The outcome of the Disciplinary Committee will be provided to the student in writing within five working days of the hearing by email and/or first-class post to the last known address of the student. Such dispatch will be deemed sufficient and complete discharge of the duty to inform the student. Should the Committee require further information in order to reach a decision the student will be informed of any delays.
- 6.34 If the Responding Student is an apprentice/Operational Policing student, the Dean of Faculty (or nominee) will inform the Responding Student's employer.

SECTION SEVEN: LEVEL 3 – REQUEST FOR REVIEW

General principles

- 7.1 The Responding Student has the right to request a review against the penalty that has been imposed at level 1 or level 2 of this Procedure.

- 7.2 The request for review must be submitted to the Student Casework Unit within 10 working days after the formal notification of the outcome of level 1 or level 2 of the procedure.

Grounds for review

- 7.3 A review can be requested under the following grounds:
- a) That new evidence or extenuating circumstances have become known which the Responding Student could not have reasonably made known at the time of the original meeting/hearing/investigation. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason.)*
 - b) That there were irregularities in the conduct of proceedings of such a significant nature as to cause reasonable doubt as to whether the same decision would have been reached had they not occurred.
 - c) That the findings and recommendations were disproportionate, given the circumstances of the case.
- 7.4 It is the Responding Student's responsibility when requesting a review to demonstrate, on the balance of probabilities, that there is evidence to show that one or more of the grounds stated in 7.3 applies.

Consideration of the request for review

- 7.5 The University Secretary (or nominee) will consider the Responding Student's request for review and may dismiss it without a hearing in the following circumstances:
- a) The request for review was not submitted within the specified timescale.
 - b) No identifiable grounds for review were presented.
 - c) The grounds for review were deemed to be vexatious or frivolous.
- 7.6 If the University Secretary (or nominee) considers that there are no grounds for review, the Responding Student will be issued with a University Completion of Procedures Letter.
- 7.7 If the University Secretary (or nominee) considers that there are grounds for review, the case will be referred to a Review Panel.
- 7.8 The decision of the University Secretary (or nominee) will be communicated to the Responding Student within five working days of receipt of the request for review.
- 7.9 If the Responding Student is an apprentice/Operational Policing student, the Dean of Faculty (or nominee) will inform the Responding Student's employer.

Review Panel

- 7.10 The Review Panel hearing will be convened within 20 working days of the decision of the University Secretary to refer the case. This timescale may be extended by

agreement with the Responding Student or, in exceptional circumstances, by the University.

7.11 A Review Panel is constituted as follows:

- Vice-Chancellor (or nominee);
- a member of senior management.

In the case of a difference of opinion between the two members of a panel, the Vice-Chancellor (or nominee) will have the casting vote.

The hearing will be serviced by a Secretary, who is not a member but will be present throughout the proceedings. The Secretary will be the Head of Student Casework (or nominee).

The members of the Review Panel will have had no previous involvement with the case or association with the Responding Student.

If the student is an apprentice/Operational Policing student, an employer representative will also be invited to attend as an observer.

7.12 The Review Panel may decide that:

- a) The outcome of the Disciplinary Committee should be upheld.
- b) The outcome of the Disciplinary Committee should not be upheld and that:
 - i. the Disciplinary Committee made procedural errors and/or errors of judgement and a new Disciplinary Committee should be convened to hear the case afresh, or
 - ii. the outcome of the Disciplinary Committee was disproportionate given the circumstances of the case and a more proportionate outcome should be substituted.

7.13 The decision of the Panel will be final and will be notified within a period of five working days following the meeting by e-mail to the Responding Student's University and personal email accounts. Additionally, notification may be sent by the most appropriate postal route to their last recorded address. This will be deemed to be sufficient and complete discharge of the University's duty to inform the student.

7.14 If the Responding Student is an apprentice/Operational Policing student, the Dean of Faculty (or nominee) will inform the Responding Student's employer.

7.15 If the review is successful, the University will ensure as far as possible that the Responding Student has not been disadvantaged by any disciplinary action or suspension.

SECTION EIGHT: OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)

- 8.1 If the Responding Student is unhappy with the outcome of this Procedure they may, following issue of a University Completion of Procedures Letter, lodge a complaint with the OIA.
- 8.2 Details of the OIA and the relevant information in relation to the Scheme can be accessed at www.oiahe.org.uk. Further information and advice can be obtained from the Student Casework Unit.

SECTION NINE: GUIDELINES FOR APPLICATION OF PENALTIES

DISCIPLINARY OFFENCE	EXAMPLES OF UNACCEPTABLE BEHAVIOUR	EXAMPLES OF PENALTIES	RESPONSIBILITY FOR IMPOSING PENALTY
Harassment and Bullying	<ul style="list-style-type: none"> • Unwanted physical contact, causing injury: <ul style="list-style-type: none"> ○ Punching ○ Pushing ○ Shoving ○ Grabbing ○ Kicking ○ Slapping ○ Biting ○ Pulling hair • Offensive or intimidating comments or gestures • Repeatedly following another person without good reason • The intentional hurting of one person or group by another person or group via physical, verbal, non-verbal or psychological means 	<ul style="list-style-type: none"> • Expulsion • Suspension/exclusion • Restrictions/conditions 	University Disciplinary Committee
	<ul style="list-style-type: none"> • Likely to cause injury but didn't by: <ul style="list-style-type: none"> ○ Pushing ○ Shoving ○ Pulling hair • Offensive or intimidating comments or gestures • Repeatedly following another person without good reason • The intentional hurting of one person or group by another person or group via physical, verbal, non-verbal or psychological means 	<ul style="list-style-type: none"> • Formal warning • Written apology 	Dean of faculty to which the student belongs

Sexual Misconduct	<ul style="list-style-type: none"> Engaging in sexual intercourse or a sexual act without consent Attempting to engage in sexual intercourse or a sexual act without consent Taking intimate photographs of another person without their consent, for example upskirting Sharing private sexual materials of another person without consent and/or editing of images to make them sexually explicit Sending inappropriate photos/materials Kissing without consent Touching inappropriately through clothes without consent Inappropriately showing sexual organs to another person Repeatedly following another person with sexual intent Making unwanted remarks of a sexual nature Grooming Coercion or bullying with sexual elements Sexual invitations and/or demands 	<ul style="list-style-type: none"> Expulsion Suspension/exclusion Restrictions/conditions Formal warning Written apology 	University Disciplinary Committee Dean of faculty to which the student belongs
	<ul style="list-style-type: none"> Making unwanted remarks of a sexual nature Threats to share sexual rumours or photos Sexual invitations and/or demands 	<ul style="list-style-type: none"> Formal warning Written apology 	Dean of faculty to which the student belongs
Abusive Behaviour	<ul style="list-style-type: none"> Threats to hurt another person Engage in any activity or behaviour which contravenes the University's 	<ul style="list-style-type: none"> Expulsion Suspension/exclusion Restrictions/conditions 	University Disciplinary Committee

	<p>Strategic Equality Plan or Dignity at Study/Dignity at Work policies, including acts of racial hatred, non-violent extremism, violent extremism and/or terrorism including radicalising or drawing others into such activities/behaviours and abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy, marriage/civil partnership, gender reassignment, disability or age</p> <ul style="list-style-type: none"> • Acting in an intimidating and hostile manner • Repeatedly following another person without good reason • Malicious or vexatious allegations against other members of the University community causing a significant effect 		
	<ul style="list-style-type: none"> • Malicious or vexatious allegations against other members of the University community causing a minor effect • Use of inappropriate language • Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person • Repeatedly following another person without good reason 	<ul style="list-style-type: none"> • Formal warning • Written apology 	<p>Dean of faculty to which the student belongs</p>
<p>Damage to Property</p>	<ul style="list-style-type: none"> • Maliciously or wilfully causing significant damage to University property or the property of students or 	<ul style="list-style-type: none"> • Expulsion • Suspension/exclusion • Restrictions/conditions 	<p>University Disciplinary Committee</p>

	employees of the University or visitors to the University	<ul style="list-style-type: none"> Charges - requirement to make good the damage caused at their expense 	
	<ul style="list-style-type: none"> Causing minor damage to University property or the property of students or employees of the University or visitors to the University 	<ul style="list-style-type: none"> Formal warning Written apology 	Dean of faculty to which the student belongs
Unauthorised Taking Or Use Of Property	<ul style="list-style-type: none"> Unauthorised entry onto or unauthorised use of University premises Taking another's property without their consent Taking unauthorised recordings and uploading them to social media with significant effect 	<ul style="list-style-type: none"> Expulsion Suspension/exclusion Restrictions/conditions 	University Disciplinary Committee
	<ul style="list-style-type: none"> Misuse of University property (for example computers and laboratory equipment) Taking another's property without their consent Taking unauthorised recordings and uploading them to social media with minor effect 	<ul style="list-style-type: none"> Formal warning Written apology 	Dean of faculty to which the student belongs
Causing A Health Or Safety Concern	<ul style="list-style-type: none"> Act/omission that did cause or could have caused serious harm on University premises or during University activities (for example, disabling fire extinguishers or possessing/supplying controlled drugs) Carrying potential weapons, for example knives, whilst on a university campus. 	<ul style="list-style-type: none"> Expulsion Suspension/exclusion Restrictions/conditions 	University Disciplinary Committee
	<ul style="list-style-type: none"> Act/omission that did cause or could have caused a health and safety concern on University premises (for 	<ul style="list-style-type: none"> Formal warning Written apology 	Dean of faculty to which the student belongs

	<p>example, smoking cigarettes in non-designated areas)</p> <ul style="list-style-type: none"> • Carrying potential weapons, for example knives, whilst on a university campus. 		
Operational Obstruction	<ul style="list-style-type: none"> • Acts/omissions/statements intended to deceive the University³ • Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere • Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University • Bribe or attempt to bribe a member of university staff • Fail to comply with the reasonable request of an authorised individual. 	<ul style="list-style-type: none"> • Expulsion • Suspension/exclusion • Restrictions/conditions 	University Disciplinary Committee
	<ul style="list-style-type: none"> • Acts/omissions/statements intended to deceive the University⁴ • Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere • Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University • Bribe or attempt to bribe a member of university staff 	<ul style="list-style-type: none"> • Formal warning • Written apology 	Dean of faculty to which the student belongs

³ When an act is committed to gain admission to the University, eg falsification of documents, where no credit has been awarded this will be dealt with under the admissions procedure; where credit has been gained, the matter will be dealt with under the Student Conduct Procedure.

⁴ When an act is committed to gain admission to the University, eg falsification of documents, where no credit has been awarded this will be dealt with under the admissions procedure; where credit has been gained, the matter will be dealt with under the Student Conduct Procedure.

	<ul style="list-style-type: none"> • Fail to comply with the reasonable request of an authorised individual. • Improper interference with the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere • Improper interference with the functions, duties or activities of any student or employee of the University or any authorised visitor to the University • Fail to comply with the reasonable request of an authorised individual • Fail to give their name and address to an officer or employee of the University when reasonably requested to do so by such officer or employee in the course of their duties 		
<p>Reputational damage</p>	<ul style="list-style-type: none"> • Behaviour which has caused serious damage or could have caused serious damage to the reputation of the University 	<ul style="list-style-type: none"> • Expulsion • Suspension/exclusion • Restrictions/conditions 	<p>University Disciplinary Committee</p>
	<ul style="list-style-type: none"> • Behaviour which has damaged or could have damaged the reputation of the University 	<ul style="list-style-type: none"> • Formal warning • Written apology 	<p>Dean of faculty to which the student belongs</p>