

Student Disciplinary Policy and Procedure

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Version number	Purpose/change	Name and job title	Date (DD/MM/YY)
1.0	To: update the existing Student Discipline Policy and Procedure to reflect revised University Structures; formalise Stage 1 and Stage 2 procedures and provide clarity on the sanctions that can be applied at each stage.	Anne Granger; Academic Registrar	21/09/18
1.1	To replace 'Director of Operations' with 'Director for Students' following a change of job title	Anne Granger; Academic Registrar	04/10/18
1.2	To strengthen informal stage and update role titles	David Cunningham Academic Registrar	26/01/21
2.1	To replace substantial elements of the policy with a new version, based on internal review and feedback. To update contacts and roles to reflect new positions and structures, and to make information clearer for students.	Dan Shaffer, Associate Director of Academic Services	30/06/23

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Student Disciplinary Policy

1) Purpose

- i. The Student Disciplinary Policy and embedded Procedure is intended to provide a clearly formulated and objective process for dealing with allegations relating to non-academic student misconduct, discipline or behaviour within a reasonable timescale, having due regard to the spirit of natural justice. A flowchart of the Student Disciplinary Stages is set out as Appendix A.
- ii. The Policy and Procedure has been developed in line with the Good Practice Framework from the Office of the Independent Adjudicator and aims to deliver on its core principles: accessibility; clarity; proportionality; timeliness; fairness; independence; confidentiality; and improving the student experience.
- iii. Academic Misconduct is handled through a separate [Procedure](#).
- iv. The [Student Conduct Policy](#) and [Student Charter](#) set out the standards of conduct and mutual expectations of student behaviour.

2) Definition of misconduct for the purposes of this Policy

- a. Misconduct under this Policy is any unacceptable or improper conduct performed by, communicated by, generated by, or otherwise involving an applicant or student that meets one or more of:
 - i. creating an unacceptable health and safety risk for students, staff or visitors to the University;
 - ii. causing, or at risk of causing, damage to infrastructure, either physical or technological;
 - iii. obstructing, frustrating or disrupting the functioning or activities of the University, or of those who study or work at the University;
 - iv. using terms, symbols or imagery deemed to cause or incite offence to individuals or groups;

- v. otherwise damaging the University or its reputation, whether this takes place on campus, off campus or anywhere else, including in the virtual environment such as social networking or websites.
 - vi. Failing to fully comply with sanctions or other outcomes from a University Disciplinary Investigation.
- b. The [Student Conduct Policy](#) provides indicative examples of what may constitute misconduct, whether occurring on University premises or elsewhere, but any situation fitting the above criteria may be considered.
- c. Any applicant to the University or any student who is studying, or registered, at the University¹, shall be subject to disciplinary measures if there are reasonable grounds to suspect they have acted or behaved in a way that is considered to be misconduct.
- d. Misconduct proceedings against applicants will initially be considered by the Director of Academic Services, or nominee. The applicant may be invited to submit a written explanation or repudiation if the Director of Academic Services requests it. Should there be reasonable grounds to merit disciplinary action, the University reserves the right to withdraw the individual's application and any offer of a place made. Applicants retain the right to appeal a disciplinary decision in line with the [Admissions Policy](#). The Office of the Independent Adjudicator for Higher Education does not review complaints from applicants.
- e. There are two types of misconduct review: the Discretionary Stage; and the Formal Stage. The Discretionary Stage is generally for cases the University deems minor, and permits a less formal approach for all involved. Where the University decides cases are of a more serious nature, the Formal Stage will be applied. Examples of the latter are detailed in the [Student Conduct Policy](#).

3) Burden and Standard of Proof

The burden is on the University to reasonably prove the allegation(s) of misconduct by the student. In deciding whether the student has committed the misconduct, the standard of proof to be used shall be 'the balance of probabilities', that is, on the evidence, the student is more likely than not to have committed the misconduct.

¹ Students studying at Collaborative Partner Institutions will *normally* be subject to that Institution's Student Discipline Policy and Procedure, except in situations directly relating to the RAU.

4) Scope

- a. This Policy and Procedure is for University use. Collaborative partner organisations will *normally* implement their own disciplinary policies and procedures, although it is anticipated that these will be aligned with this document. Partners providing sub-contracted programme delivery will receive specific guidance from the University concerning student regulations and will publish in their own disciplinary policies any specific circumstances when alleged misconduct may or must be referred to the University.
- b. The Student Disciplinary Policy and Procedure may be initiated in response to reports from staff, other students or third parties. All such reports should be referred to student.complaints@rau.ac.uk.
- c. Instances of harassment or bullying should normally be reported, investigated and resolved through the [Bullying and Harassment Policy](#).
- d. The Procedure is not used to resolve third party concerns or matters that would be more appropriately dealt with through other channels (e.g. criminal or civil courts). However, that does not preclude the University from undertaking separate action, or considering disciplinary action following conclusion of external proceedings.
- e. Where a student withdraws from the University once the Procedure has been initiated, the University may choose to continue to hear a case. Should the University choose not to proceed with a case, a note will be placed on the student file and the case re-activated should the student wish to reapply to the University.
- f. Where a student is on an interruption of study or suspended from the University, normally any formal Disciplinary Panel will not be postponed. The University reserves the right to postpone the Procedure where the Director of Academic Services deems it appropriate in the circumstances.
- g. A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still in the process of being considered under this Policy.
- h. Where the student is also a member of staff, unless there are exceptional grounds to believe the incident relates solely to the individual's identity as a

student, the case will be referred to Human Resources and managed under their policy. Disciplinary under such matters may affect both their staff and student contracts.

- i. Where a student is resident in University accommodation and the allegation, if proven, would jeopardise their licence, the decision of the Panel will be communicated to the Accommodation Officer to consider if the behaviour breaches the terms or conditions of their licence.
- j. The RAU Student Union has its own code of conduct for its clubs, sporting events, societies and for its events held away from RAU premises, with any allegations of misconduct handled by the RAU Student Union within the Rules and Regulations of the RAU Student Union. However, the University reserves the right to pursue separate proceedings that fall within the definition of misconduct in section 2.
- k. Where the circumstances of the allegation would mean that it may be progressed either by the Students' Union or by the University, or by both parties, then the Director of Academic Services and the Students' Union Director will agree which procedure(s) shall apply, but with the intent to avoid double jeopardy. This may be for a category of allegations or decided on a case by case basis.
- l. Time periods are defined in University working days, this means Monday to Friday, excluding Bank Holidays and University closure days.
- m. All staff and official representatives of the University involved in responding to, or following up on, incidents of potential misconduct, should make reasonable effort, if in their discretionary judgement it is safe and practical to do so, to note the facts at the time and record relevant evidence. This may include additional inquiry with suspects and witnesses where reasonable, in order to make a timely and informed decision on whether an allegation needs to be raised under this policy, or other policies. Such evidence-gathering, including testimonies, does not constitute part of the disciplinary procedure, but may be used should disciplinary investigations commence.

Student Disciplinary Procedure

5) Decisions and Actions before starting the Disciplinary Procedure

- a. Once an allegation has been raised, the University will determine:
 - i. whether the matter falls within the scope of this Policy and Procedure. If a matter falls outside of this Policy and Procedure, the person raising the allegation may be referred to other regulations, policies or procedures that apply or the University may choose to deal with the case directly under the relevant regulation, policy or procedure;
 - ii. if the allegation may be best handled through the Discretionary Stage (as detailed in section 7) or the full Formal Stage (as detailed in section 8). For both stages, the allegation and any available supporting materials must be sent to Student Complaints (student.complaints@rau.ac.uk), to record the case and disseminate to the relevant authorised individual(s) to investigate.
- b. Managing risk throughout the Disciplinary Procedure
 - i. The University will be mindful of the potential impact on students and staff involved throughout the disciplinary procedure, particularly in terms of academic study and mental health. Signposting to information and contact details through either Student Services or Human Resources (as appropriate) should be made available. Advice on coping with, or support during, the period when disciplinary considerations are ongoing, can be sought from these areas without prejudicing the outcome of the disciplinary procedure itself.
 - ii. The University may put in place such measures as it deems appropriate to manage the risks to the parties involved or to manage the conduct of the parties. These measures may remain in place throughout the process. Such measures include but are not limited to: withdrawal of access to University and Student Union licenced premises, social or sporting activities; withdrawal of a parking permit; a "No Contact Order" with specified persons; or a campus curfew (i.e. access limited to University premises between specified hours only). The arrangements and the reasons for the decision will be conveyed to the student in writing. Such measures are non-prejudicial: they are not disciplinary sanctions and do not imply that any decision has already been made about the allegations. They will be for no longer than the University deems necessary.

- c. Suspension Pending an Investigation or a Disciplinary Panel
- i. A student who is the subject of an allegation of misconduct may be suspended from study temporarily for a specified period, which may be amended or extended, by the Director of Academic Services pending an investigation or a Disciplinary Panel and, if applicable, any subsequent appeal. Such a suspension is reserved for cases of serious misconduct and may be made with or without any conditions as determined at the time of suspension. Examples of such conditions are given in points iv) and v) below. The Director of Academic Services, when considering suspension pending a Disciplinary Panel, will consider the potential impact upon the student's studies and access to alternative arrangements including, when relevant, alternative residence.
 - ii. Suspension pending disciplinary proceedings is a neutral act in the context of the eventual determination of whether an allegation is found to be proven or not proven. Its purpose may be, for example:
 - (1) to ensure that potential witnesses or other evidence are not subject to interference;
 - (2) to avoid any repetition of the circumstances which led to an allegation;
 - (3) to ensure the safety and well-being of the University community, including the student against whom an allegation has been made. In cases deemed to be urgent, particularly if the safety of the student or others is perceived to be at risk, a student may be suspended with immediate effect. Written reasons for the decision to suspend shall be sent to the student, along with information or contact details for seeking support.
 - iii. A student who is suspended pending disciplinary proceedings may be wholly or partly prohibited from entering all or specific University premises, and from participating in University activities, including exercising their functions or duties of any office or committee membership in the University. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.
 - iv. The student's access to IT facilities may be withdrawn during the suspension. Suspension may be subject to specific exceptions, such as permission to take an examination or submit an assignment.
 - v. A suspended student should seek guidance from their Programme Leader on how they might nevertheless best continue their studies.

- vi. A student may seek a review of a decision to suspend, or of the conditions attached to the suspension. They can request a review at any point during the suspension through a written request submitted to the Director of Academic Services, via student.complaints@rau.ac.uk. Any such request should provide appropriate supporting evidence. The review may be limited by the timescales involved in concluding the disciplinary proceedings.
 - vii. Where a student is suspended but the disciplinary proceedings (and any subsequent appeal) are delayed because of the decision by the University to defer action pending police investigations or any related proceedings, the student's suspension may last until resolution of the police investigations or any related proceedings.
 - viii. Where a student is suspended during disciplinary proceedings, the Director of Academic Services will inform the student's Programme Leader, Personal Tutor, the Head of Student Services and other relevant Academic Services staff, the University's Security Team, IT Services, Finance and the Students' Union as appropriate to implement the conditions of the suspension. Details of the case will however remain confidential.
- d. Where a student is studying on a Student Visa, the Assistant Registrar (Admissions) should confirm any potential impact on the student's right to remain in the UK.

6) Confidentiality and recording of disciplinary matters

- a. The verdict and any sanction imposed will be communicated as necessary to implement sanctions, or to end intermediary sanctions, and to uphold the University's duty to safeguard others. All other information concerning the disciplinary proceedings shall remain confidential, except where there is a legal duty to disclose additional information to authorities or in circumstances detailed in points 6b-f below.
- b. The student's University record will retain a summary of the allegations and the outcome of any investigation and Disciplinary Panel, as well as any appeal.
- c. Where appropriate, findings and sanctions imposed may be referred to in references which are requested for students.
- d. Where a student is subject to the sanction of suspension or expulsion the Director of Academic Services will inform the student's Programme Leader,

Personal Tutor, the Head of Student Services and other relevant Academic Services staff, the University's Security Team, IT Services, Finance and the Students' Union as appropriate to implement the conditions of the suspension. Details of the case will however remain confidential.

- e. Where a third party who is a member of the University (staff or student), has been involved in a case as a victim of the alleged incident, the University may, on request, provide the third party with information on whether the case is being considered, and the outcome of any Disciplinary investigation or Panel.
- f. Where the third party is external to the University, the University would not normally provide information with regards to specific cases but may exceptionally do so where the information could potentially impact on the wellbeing of the third party. A written record of all such instances, with grounds for disclosure, will be kept.

7) THE DISCRETIONARY STAGE

The Discretionary Stage may be offered in situations where the alleged misconduct is considered relatively minor, to facilitate a less formal resolution. Outcomes from the Discretionary Stage cannot impose the most severe sanctions, such as suspension or expulsion. Misconduct may be considered minor if:

- i. the risk to people, property or reputation was low;
- ii. any argument or dispute did not constitute harm, abuse or equality-related offence (as characterised in the Equality Act 2010) to anyone involved directly or indirectly, including witnesses;
- iii. any damage to, or loss of, goods or property is believed to be unintentional, not related to any other incident or behaviour and the cost to replace is believed to be low (usually no more than £200).

The above indicators are, by their nature, subjective. There is no guarantee a case will be referred to the Discretionary Stage.

The Discretionary Stage has the following steps:

- a. Report of the allegation.
- b. Investigation.
- c. Sanction recommended following admission of the alleged misconduct. The sanctions available at this stage are listed in paragraph 8 c.i below.
- d. Communicating and recording the outcome.
- e. Appeals.

a. Report of the allegation

- i) The incident should be reported to Student Complaints (student.complaints@rau.ac.uk), where a check will be made concerning eligibility for the Discretionary Stage. Student Complaints may seek direction from the Director of Academic Services, Head of Academic Quality or Head of Student Services. If it is approved for Discretionary Stage consideration, full details will be referred to the Head of Student Services (or appropriate nominee) who will act as Case Manager.
- ii) Any recorded confession to the allegation(s) and declared intention to accept disciplinary consequence, may be taken into account when deciding whether or not to handle the case under the Discretionary Stage.
- iii) Cases not approved for Discretionary Stage consideration will be referred by Student Complaints for the Formal Stage (as detailed in section 9).

b. Investigation

- i) The Case Manager (Head of Student Services or nominee) will, upon receipt of Discretionary Stage notification and documentation, initiate an investigation into the disciplinary matter.
- ii) If only one student is involved, as part of this investigation the Case Manager will invite the student against whom the allegation has been made to a meeting. If more than one student is involved, as part of this investigation, the Case Manager will invite each student against whom the allegation has been made to separate meetings.
- iii) The student may request to be accompanied by a member of the University community, so long as that person is not involved in the alleged offence, is not suspended or excluded from the University and the Case Manager is provided with the person's name in advance. Where a student's disability or specific learning needs requires a support worker to accompany them, this would be in addition to the nominee of the student's choice. The University reserves the right to refuse any request to be accompanied if it deems the nominee proposed would be unduly detrimental or disruptive to the fair consideration of the case.
- iv) Meeting(s) invitations will normally be sent within three University working days of the incident being reported, although more time may be required if further preliminary information needs to be gathered first. If the student does

not attend, the Case Manager retains discretion over rearranging or proceeding with the meeting.

- v) If the student admits to the allegations during the course of the meeting, this will be recorded. The student concerned will be sent a written summary of the meeting.
 - vi) If the initial meeting is not deemed conclusive and further investigation is required, the written summary of the meeting will include details of supplementary steps, including any requirement for further meetings or evidence.
 - vii) If, at any point in the investigation, the Case Manager identifies new information that, in the Case Manager's judgement, means Discretionary Stage consideration is no longer appropriate, the matter will be referred back to Student Complaints for escalation to the Formal Stage.
 - viii) Once the investigation is complete, the Case Manager will consider the facts of the matter and produce a summary written report, with recommended sanction(s) as applicable, for the Director of Academic Services.
 - ix) Subject to the Case Manager's report, The Director of Academic Services will either confirm the outcome and any sanction(s) or else refer the case to the Formal Stage.
 - x) If, after communication of the outcome, the student does not accept, fully undertake or comply with any sanction to timescale, the case will be referred back to the Director of Academic Services to be progressed under the Formal Stage, or direct to the Appeal Stage, as deemed appropriate by the Director of Academic Services.
- c. Sanctions within the Discretionary Stage

Upon confirmation from the Director of Academic Services, the Case Manager will communicate the sanction to the student, which will comprise one or more of the following:

(1) Verbal warning

Verbal warnings may include a stipulation that any future allegations of the same type of misconduct would be considered under the Formal Stage.

(2) Written Warning

Written warnings may include additional requirements and sanctions, including, but not limited to:

- a) A documented undertaking by the student, with specific content, deadline(s) for completion and criteria for assessing satisfactory conclusion. Examples of such undertakings are:
 - A statement, which may be to the University, specific individuals or the wider University community, to be of good conduct for a specified period.
 - An action log on a specific aspect of conduct relevant to the finding of the offence.
 - A reflective essay or similar assignment on specific aspects of their behaviour, understanding and/or conduct relevant to the offence.
- b) Compensation of a reasonable sum in respect of identified and quantified loss e.g. for damages to cover full or partial costs, to include an administration charge usually in the region of 30% of the costs.
- c) Performance of unpaid services for the University community to a maximum of 60 hours.
- d) The imposition of a No Contact Order with specified persons.
- e) The imposition of restrictions on access to University licensed premises and events.
- f) The prohibition of access to University premises and facilities.

d. Communicating and recording the outcome

- i) The outcome of the investigation will be communicated by the Case Manager to the student or students concerned. Each student will usually be invited to respond as to their acceptance, but the outcome, including initiation of any sanctions, is not dependent on a response.
- ii) A record of the investigation, the outcome and any sanctions will be reported to University line managers relevant to any action required, and will be recorded on the student's record.

e. Appeals

Should a student consider the outcome of the Discretionary Stage is unfair, then the student may submit a request to appeal. The Disciplinary Appeals Procedure is set out in section 9.

8) THE FORMAL STAGE

The Formal Stage will be applied when the Discretionary Stage has been deemed inappropriate. The decision to consider disciplinary matters under the Formal Stage, rather than the Disciplinary Stage, is not a pre-determination of the outcome, but rather a recognition of the seriousness of the allegations, the scale of dispute or complexity of the case itself. In such instances, it is in the best interests of both the University and the student(s) involved to ensure such additional scrutiny is given to considering the details and reaching a just outcome.

The Formal Stage has the following steps:

- a. Primary report and review
 - i. Report of the allegation.
 - ii. Notifying the student of the allegation.
 - iii. Consideration of suspension if appropriate.
- b. Investigation
- c. Representation at meetings or Panels
- d. Student Disciplinary Panel
- e. Sanctions
- f. Appeals.

a. Primary report and review

- i) The incident should be reported to Student Complaints (student.complaints@rau.ac.uk), where a decision will be made concerning Formal Stage consideration. Student Complaints may seek direction from the Director of Academic Services, Head of Academic Quality or Head of Student Services. Cases referred from the Discretionary Stage will automatically be approved for Formal Stage consideration. Details for Formal Stage consideration will be referred to the Director of Academic Services (or appropriate nominee) who will act as Case Manager.
- ii) The Case Manager will appraise the scope of the allegations and instruct the University to inform the student(s) concerned of the allegations, explain the process to be followed and provide details of any temporary measures which will be put in place (as noted in 5b and 5c).

b. Investigation

- i) The Case Manager (Director of Academic Services or nominee) will be responsible for conducting an investigation into the disciplinary matter. The purpose of an investigation is to gather the facts and evidence relating to the allegations.
- ii) There are three possible recommendations following a Formal Stage investigation:
 - (a) proceed to a Disciplinary Panel
 - (b) revert to the Discretionary Stage (only when the Case Manager concludes new evidence demonstrates continuing with the Formal Stage would be disproportionate)
 - (c) dismissal of the case (only when the Case Manager concludes there is no case for the student(s) to answer).
- iii) The extent of the investigation will depend on the nature of the allegations and if there are any counter-allegations. The University may, at its discretion, bring forward independent evidence, commissioned from sources other than the University, on the potential impact of allegations upon the University's reputation.
- iv) The Case Manager may appoint additional investigators as Case Handlers, to gather, review and co-ordinate information from relevant parties. Additional time may be required to collate information where volume is high, multiple sources are involved, or evidence is not forthcoming. The Case Manager will remain responsible for preparing a report which sets out the findings and recommendations.
- v) Information and outcomes from relevant previous misconduct and disciplinary cases may be included within the scope of investigation, where they are deemed to add pertinent context.

c. Representation and attendance at meetings and Disciplinary Panels

- i) Legal Representation is not permitted. However, the student may request to be accompanied at any Formal Stage meeting or Panel by an advocate of the student's choice who is a member of the University community willing to act in this capacity and who may speak on the student's behalf. The advocate should not be involved in the alleged offence, or be suspended or excluded from the University. Where a student's disability or specific learning needs requires a support worker to accompany them, this would be in addition to

the supporter of the student's choice. The student must notify Student Complaints in advance and provide the name of the proposed advocate. The University reserves the right to refuse any request to be accompanied if it deems the nominee proposed would be unduly detrimental or disruptive to the fair consideration of the case.

- ii) Where the student is unable to identify someone from the University community willing to act as an advocate, then, in negotiation with the student, the University may appoint someone to act as the student's advocate, where the University considers this to be in the best interests of the student.
- i) It is the responsibility of the student (and not the University) to relay all relevant notices and other information to their advocate.
- ii) If, for good reason, a student is unable to attend a Panel, then the student may request permission from the University for their advocate to attend that Panel on their behalf, or request a postponement. The Chair of the Panel will consider the grounds for any request to postpone, along with other factors, including timeliness, the needs of others involved in the case and any ongoing risk management measures, but retains authority to continue with the scheduled Panel without the student present if delay is deemed inappropriate.
- iii) Where the University has good cause, a Panel may be postponed or adjourned at the discretion of the Chair of the Panel. Details of any such changes must be provided to the student.
- iv) Exceptionally a student may request to attend the Panel remotely, via video conference, for example if on placement overseas. The student must make the request in writing at least three University working days prior to the Panel. The University will decide the appropriate communication platform to use, which will be standard software commonly in use across the University community. The student is responsible for ensuring that they, the student, have access to appropriate technology and can engage both visually and verbally.

d. Student Disciplinary Panel

- i) If a matter is to be referred to a Disciplinary Panel, the University shall notify the student in writing of the alleged misconduct and of the evidence in support. The student will be notified of the arrangements for further consideration of their case including the date, time and place of the Panel meeting and the student's rights to request an advocate or invite witnesses. If

there are a series of related alleged misconducts involving one or more students the Disciplinary Panel may, at the discretion of the Chair, deal with all the allegations at one Panel.

- ii) Each meeting of the Disciplinary Panel shall comprise three staff members, one of whom shall be Chair. Membership of the Disciplinary Panel shall be drawn from a pool of senior professional services and academic staff nominated by the University. No member of staff directly involved in the incident or its investigation, or anyone declaring a conflict of interest, shall sit as a member of the Panel.
- iii) An additional member of staff shall act as Secretary, but shall not constitute a member of the Disciplinary Panel or take part in the decision-making of the Panel. The Case Manager shall attend to present the case, but shall not constitute a member of the Disciplinary Panel.
- iv) After the investigation (outlined in 8c), the student shall be given a minimum of 10 University working days' notice before a Disciplinary Panel, unless the University has agreed at the student's request that shorter notice is acceptable. Other staff may be informed of the Panel timings and arrangements where it is appropriate for ensuring the efficient delivery of the Panel.
- v) If the student fails to attend the Disciplinary Panel without good reason, or is persistently unable to attend, the University may decide to proceed in the student's absence and reach a decision on the available evidence.
- vi) The Secretary of the Disciplinary Panel shall ask the Case Manager to set out the allegation(s) in full, and to name witnesses, if any, to be called, in advance of the Panel. A copy of the Case Manager's report shall be sent to the student at least 10 University working days before the Panel.
- vii) The student must respond in writing no later than five University working days before the Panel to confirm attendance at the Panel meeting and to request a nominated advocate or witnesses to be called. The student may at this stage choose to provide a written statement for the Panel, outlining the basis of their defence against the allegations. Any such statement must be submitted no later than five University working days before the Panel. Failure to respond in time may result in exclusion from the Panel.
- viii) The student and/or the Case Manager may choose to provide written witness statements in advance of the Panel. If such statements are to be presented

they are required to be submitted at least five University working days before the Panel meeting. Such statements shall be circulated to all relevant parties in advance of the Panel.

- ix) Witnesses may be called to give evidence in person. The Disciplinary Panel may accept a written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where, in the opinion of the Disciplinary Panel, it is for some other reason in the interest of justice to do so.
- x) A witness statement may be redacted to conceal the identity of the witness where there are reasonable grounds to believe revealing the identity could put that witness, or associates connected to the witness, in danger. Where a student against whom allegations have been made is not aware of the identity of all those who have given evidence, due weight to this factor must be given and their response to the allegations must be seen in this context. Natural justice must be observed, meaning that such an individual has the right to fully understand the case made against them.
- xi) The Order of Proceedings shall normally be as follows (but may varied at the Chair's discretion):
 - (1) Introduction of those present; outline of procedure.
 - (2) Student invited to declare any factors which may affect their performance in the Panel.
 - (3) The allegations of misconduct shall be set out in full by the Case Manager.
 - (4) The student will be invited to respond to the allegations.
 - (5) The Disciplinary Panel shall have the opportunity to question both the Case Manager and the student.
 - (6) Either party may request witnesses who shall attend only to present their evidence and to answer any questions that the Disciplinary Panel, or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw.
 - (7) The Case Manager shall sum up the allegations. New evidence is not admissible at this time.
 - (8) The student shall sum up. New evidence is not admissible at this time.
 - (9) The Case Manager, the student and any advocate or other support shall withdraw whilst the Disciplinary Panel reach their decision.
 - (10) The Disciplinary Panel shall rely only on its interpretation of the information formally presented to it beforehand and given in the meeting.

- (11) A majority decision is required from Panel members, who will assume collective responsibility for the outcome reached.
- (12) If available, the Case Manager, the student and any advocate or other support may be recalled to receive the Panel's decision.
- xii) The Disciplinary Panel may impose time limits on oral addresses and submissions, to ensure reasonable consideration of all submissions within a practical timeframe.
- xiii) Exceptionally, at the discretion of the Chair of the Disciplinary Panel, proceedings may be adjourned for a period not normally exceeding 20 University working days in the first instance, and its decision deferred for that period.
- xiv) Where the Disciplinary Panel reaches a decision that the student has not committed an act of misconduct, the case will be dismissed and the student will not be subject to any disciplinary action in relation to it. Where the allegations are believed to have raised public suspicion towards the student, the University shall offer, with the student's consent, to make the outcome available to the University community. If there is no reputational risk, or if the student does not give consent to share, details of the case shall remain confidential.
- xv) Where the Disciplinary Panel is satisfied on the balance of probability and based on the evidence, that the student has committed an act of misconduct, it will consider appropriate penalties, in the form of sanctions.
- xvi) When determining sanctions, consideration shall be given to the seriousness of the misconduct, the circumstances of the misconduct, the means and general personal circumstances of the student and the extent of any detriment to the University, or others in the University community.
- xvii) The Disciplinary Panel should further consider any previously confirmed cases of similar types of misconduct and the sanctions that were applied, in order to arrive at a sanction that is not perverse. However, it should also be mindful of changes in culture, attitudes and risk, as well as the effectiveness of historic sanctions, and need not be bound by case precedent if alternative sanctions or outcomes are merited.
- xviii) Wherever possible, the decisions of the Disciplinary Panel shall be communicated orally to the student after adjourning to consider the evidence and shall also be confirmed in writing, normally within five University working

days. Where this oral communication is not possible the decisions of the Disciplinary Panel shall nevertheless be communicated in writing to all parties, normally within five University working days. This will include directions on how to appeal.

- xix) The decision of the Disciplinary Panel will be communicated to University line managers relevant to any action required.
- xx) Where a student is resident in University accommodation and the Panel's decision could jeopardise their licence, the decision and any sanctions will be communicated to the Accommodation Officer to consider if the behaviour breaches the terms or conditions of their licence.

e. Sanctions within the Stage 2 Procedure

i) General Points

- (1) If a student is proven to have committed an act of misconduct, sanctions may be imposed by the Disciplinary Panel. The sanctions are set out below.
- (2) The Director of Academic Services or the Chair of the Panel in considering a sanction may consult relevant academic staff where there is likely to be a significant impact upon the student's studies.
- (3) The Director of Academic Services or the Chair of the Panel in considering a sanction may consult Student Services or similar expert advice where there may be a significant impact upon the student's welfare, mental health or disability support entitlement.
- (4) Unless a Panel is chaired by a member of the Vice-Chancellor's Executive, any sanction of exclusion or expulsion from the University must be a recommendation only, to be ratified by the Vice-Chancellor or Executive.
- (5) The overriding principle underpinning the determination of sanctions is that these should be proportionate to the misconduct. Account should also be taken of the feasibility of discharging the sanction. A guidance note on mitigation and aggravation is attached as Appendix B.
- (6) Any breach in the terms of the sanction may result in a student receiving a further, more serious sanction. Details of any further sanction(s) in such cases of a breach may be dictated by the Disciplinary Panel as part of the sanctions imposed, or the decision delegated to the Director of Academic Services or other Panel-appointed representative. Such further sanctions may be subject to appeal.

ii) Implications for international students

Academic Services will be informed of any student studying on a Student Visa who is to be suspended or who will be subject to the sanction of exclusion or expulsion, for further advice and guidance on the implications for their immigration status and leave to remain in the UK. Once this has been considered, and if the decision to suspend or expel is maintained, the University will report this, as appropriate, to the Home Office (UK Visas & Immigration).

iii) The sanctions that may be imposed are one, or a combination of, the following:

- (1) A documented undertaking by the student, with specific content, deadline(s) for completion and criteria for assessing satisfactory conclusion. Examples of such undertakings are:
 - (a) A statement, which may be to the University, specific individuals or the wider University community, to be of good conduct for a specified period.
 - (b) An action log on a specific aspect of conduct relevant to the finding of the Disciplinary Panel.
 - (c) A reflective essay or similar assignment on specific aspects of their behaviour, understanding and/or conduct relevant to the finding of the Disciplinary Panel. The Disciplinary Panel must specify the length of the essay, and the Disciplinary Panel Chair must be satisfied of its quality.
- (2) First Written Warning. This shall give details of the concerns, the improvement required and the timescale. It shall warn that further action will be considered if there is no satisfactory improvement. A record of the First Written Warning shall be placed on the student's record and shall not be removed from the record but will be disregarded for disciplinary purposes after a period of 12 months, subject to satisfactory conduct and performance within that period.
- (3) Final Written Warning. This shall be issued if there is still a failure to improve and there is a further incident of misconduct, or if the misconduct is sufficiently serious to warrant only one written warning but not to justify exclusion or expulsion. A Final Written Warning shall give details of the concerns, and shall warn that exclusion or expulsion is likely to result if there is insufficient improvement and there is a further incident of misconduct. A copy of this Final Written Warning shall be placed on the student's record. Final Written Warnings shall be not be removed from the record or disregarded for disciplinary purposes.

- (4) Compensation of a reasonable sum in respect of identified and quantified loss e.g. for damages to cover full or partial costs, to include an administration charge usually in the region of 30% of the costs.
- (5) Performance of unpaid services for the University community to a maximum of 60 hours.
- (6) The imposition of a No Contact Order with specified persons.
- (7) The imposition of restrictions on access to, or total exclusion from, parts of the University or University services.
- (8) The imposition of restrictions on access to University events, including Graduation.
- (9) Recommendation to Vice-Chancellor's Executive for student's exclusion from the University for a fixed period, up to a maximum of 12 months. The Chair may action this recommendation if a member of the Vice-Chancellor's Executive.
- (10) Recommendation to Vice-Chancellor's Executive for student's expulsion from the University, which means that the student ceases to be a member of the University, has their registration as a student cancelled and loses all rights and privileges of membership. A student expelled from the University would not be considered for admission to the University for a period of at least two years and would be required to make a new application for admission. The Chair may action this recommendation if a member of the Vice-Chancellor's Executive.
- (11) Recommend to Academic Board that a student may not be granted an award, obtain certification of an award or attend a graduation ceremony in circumstances where it otherwise would withdraw or cancel an award.

9) APPEALS

- i) Timelines and Grounds for Appeal
 - (1) The student shall be allowed 10 University working days from the date on the outcome letter, (from either the Discretionary or Formal Stage) to provide a written request for an appeal. Appeals must be submitted using the [appeal form](#).
 - (2) The appeal must identify the ground(s) of appeal being relied upon which may be any or all of the following:
 - (a) that new and relevant evidence is available which, for good and reasonable cause, was not available at the earlier stage of this Disciplinary Procedure. Exceptional circumstances are needed to explain why any evidence could not have been made available.
 - (b) that there was a relevant and significant defect, error or mistake in the conduct of the earlier stage of this Disciplinary Procedure which casts reasonable doubt on the decision reached, in that there is a

reasonable possibility the decision would have been different if the defect, error or mistake had not occurred.

- (c) that the decision reached at the earlier stage of this Disciplinary Procedure is manifestly unreasonable. In this context, unreasonable will be taken to mean perverse, i.e. the decision was not one that a similar process might have reached.

The student must not only state their grounds for appeal but must also provide evidence to substantiate those grounds. An appeal request will only be granted if there is evidence to support one or more of the grounds set out above. An appeal request will not be granted if it is based on other grounds.

- (3) The Director of Academic Services, or appropriate nominee, will be responsible for determining whether the appeal has been received within the appropriate timescale and for assessing whether or not there are valid grounds for appeal. A decision will normally be made within five University working days, although additional time may be needed to review and verify particularly complex details.
- (4) The University shall reject any appeal which does not disclose valid grounds for appeal; does not evidence grounds for appeal or is out of time. In such instances, the student shall be formally notified by a Completion of Procedures Letter.
- (5) If the notice of appeal is accepted as valid by the University, the case will be referred to a Disciplinary Appeals Panel. The decision to refer a case for appeal does not imply any judgement; only that there are grounds to review the case.
- (6) The University shall have the power to defer the operation of the sanction where an appeal is pending, but must be mindful of risk and therefore may deem it appropriate to maintain measures, or impose new measures on other parties, during an appeal investigation.

ii) Student Disciplinary Appeals Panel

- (1) Where the Director of Academic Services (or nominee) refers a case to a Disciplinary Appeals Panel, the University shall arrange for a Disciplinary Appeals Panel to be established as soon as possible, normally within 15 University working days of approving the appeal request, to consider the appeal and to determine an outcome.
- (2) The Disciplinary Appeals Panel shall be drawn from a pool of senior professional services and academic staff nominated by the University. Each meeting of the Disciplinary Appeals Panel shall comprise three staff members, one of whom shall be Chair. No member of staff directly involved in the incident or its investigation, including any previous

Disciplinary Panel, or anyone declaring a conflict of interest, shall sit as a member of the Panel.

- (3) An additional member of staff shall act as Secretary, but shall not constitute a member of the Disciplinary Appeals Panel or take part in the decision-making of the Panel.
- (4) Where the appeal is based on a procedural irregularity (ground b) or that the sanction is manifestly perverse (ground c), the Lead Adjudicator from the previous stage (Chair of the Disciplinary Panel for appeals against the Formal Stage; or the Case Manager for appeals against the Discretionary Stage) shall, as soon as is reasonably possible, receive a full copy of any evidence submitted by the student. The Lead Adjudicator may make a written response for submission at least five University working days before the date of the Disciplinary Appeals Panel. These responses should not include new information or evidence not directly related to the grounds for appeal. They may also notify the Chair of the Disciplinary Appeals Panel of any witnesses they wish to call. This information must be provided at least five University working days before the date of a Disciplinary Appeals Panel.
- (5) Where an appeal is based on new evidence not available at the time of the original disciplinary consideration (ground a), the Disciplinary Appeals Panel will not normally require the Lead Adjudicator to make representations to the Panel.
- (6) Student representation and attendance at Disciplinary Appeals Panels will be on the same basis as those detailed in section 8d above.
- (7) The student shall receive written notification from the University giving at least five University working days notice of the date and time when the Disciplinary Appeals Panel will convene, and any other relevant information about the conduct of the Disciplinary Appeals Panel.
- (8) There shall be no entitlement to a full review of a case. The Chair of the Disciplinary Appeals Panel will be responsible for determining what information, evidence and testimony is relevant to the specific grounds on which the appeal is based, and, if proven, what actions or recommendations the Disciplinary Appeals Panel can make an informed decision on.
- (9) The order of proceedings for a Disciplinary Appeals Panel will be at the discretion of the Chair, but shall normally be:
 - (i) Introduction of those present and outline of procedure (Chair).
 - (ii) Student invited to declare any factors which may affect their performance in the Disciplinary Appeals Panel.
 - (iii) Grounds for appeal shall be set out by the student, or their advocate. The Lead Adjudicator in the original disciplinary proceedings, if invited, shall respond to the appeal (where appropriate).

- (iv) The Disciplinary Appeals Panel shall have the opportunity to question both the student and Lead Adjudicator (where appropriate).
- (v) Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Disciplinary Appeals Panel, or the other party, may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw (students shall bear the costs of whichever witnesses they choose to call).
- (vi) The student shall sum up their appeal. New evidence is not admissible at this time.
- (vii) The Lead Adjudicator (where appropriate) shall sum up the response to the appeal. New evidence is not admissible at this time.
- (viii) The Lead Adjudicator (where appropriate), the student and their advocate shall withdraw whilst the Appeals Panel reach their decision.
- (ix) The Disciplinary Appeals Panel will discuss the case and attempt to reach a verdict.
- (x) A majority decision is required from Panel members, who will assume collective responsibility for the outcome reached.
- (xi) The Disciplinary Appeals Panel can, after full consideration of the appeal, choose to: accept or reject the appeal in whole or part; refer to the original Discretionary or Formal Stage for reconsideration of a specific issue; refer to a new Student Disciplinary Panel; or substitute a new decision or sanction.
- (xii) The student and other relevant parties may be recalled to receive the Panel's decision.
- (10) Any variation to the above proceedings decided by the Chair will be minuted, along with reasons for such variation.
- (11) Regardless of whether or not a decision is given verbally to the student at the end of the Panel, the decision and its reasons will be sent in writing, normally within five University working days of the date of the Disciplinary Appeals Panel. The decision of the Disciplinary Appeal Panel shall be final and no further appeal may be permitted within the University. Unless the case against the appellant is dismissed, this will be accompanied by a Completion of Procedures letter including:
 - a summary of the appeal made
 - the title of the regulations/procedures that were applied
 - a summary of the issues considered at the last applicable stage of the University's internal procedures
 - the final decision taken by the University
 - the reasons for that decision

- information about the role of the Office of the Independent Adjudicator ("OIA") - see also <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>
- the deadline for the appellant to refer the matter to the OIA (within 12 months of receipt of the University's Closure of Procedures letter).

10) Misconduct that is also subject to Criminal or Civil Proceedings

- a. The following procedures apply where the alleged misconduct is, or may, be subject to police action, criminal investigation or proceedings and/or civil proceedings.
- b. The Director of Academic Services must be informed at the earliest opportunity in cases which may involve police action, criminal proceedings and/or civil proceedings against a student of the University.
- c. The University may defer or suspend, either completely or partially, any stage of or the taking of any action under the Student Disciplinary Policy and Procedure until the police action, criminal proceedings and/or civil proceedings against the student have been concluded. The Director of Academic Services shall notify the student of any decision to defer or suspend under this provision and will subsequently notify the student of any resumption of the University's Disciplinary Policy and Procedure.
- d. The Director of Academic Services will arrange for an appropriate member of staff to be identified to act as a key contact for the student under investigation and, where an alleged victim is a student of the University, to support the alleged victim. Normally this will be a member of staff from Student Support Services.
- e. The University may, at its discretion or when required to do so, report any suspected criminal offence to the police. If a person claims to be the victim of an offence committed by a student, but does not wish the police to be involved, the University may agree not to report the matter.
- f. The University may rely upon, but is not bound by, any finding of guilt or liability or imposition of sanction made against the student in any criminal and/or civil proceedings for the purposes of taking action against the student for alleged misconduct under this Student Disciplinary Policy and Procedure, but only if and to the extent that the finding relates to that misconduct.

- g. Where a student has been sentenced by a criminal court in respect of misconduct, the sentence imposed may be taken into consideration when determining any sanction for that misconduct under this Procedure.
- h. Where a student has been convicted and a custodial sentence has been imposed, the Director of Academic Services will consider the implications for the student's continued registration. A student may continue their studies, be permitted an interruption of study or be required to withdraw from the University. Where a student is suspended pending a Disciplinary Panel, but the Disciplinary Panel (and, if applicable, any subsequent appeal) is delayed because of the decision of the Director of Academic Services to defer action pending police investigations or any related proceedings, the student's suspension may last until resolution of the police investigations or any related proceedings.

11) Audio or media recording

The Student Complaints Team, Case Manager, Case Handlers and Panel Secretaries may record testimonies and other evidentiary information, including video conference calls, for the purpose of ensuring a full and accurate account. All parties involved will be informed prior to being recorded.

The University will, upon request, seek to provide any reasonable adjustments to supply information in alternative formats, including permitting and sharing recordings of proceedings, to comply with the Equality Act 2010.

Any unauthorised visual or audio recording of meetings held under this Procedure is prohibited.

12) External Review

If, on receipt of a Completion of Procedures Letter, the student is still dissatisfied, the student may request an external review from the Office of the Independent Adjudicator for Higher Education within 12 months of the date of the Completion of Procedures Letter. See OIA webpage <http://www.oiahe.org.uk/>.

13) Governance, Management, Advice and Support

- a. The Director of Academic Services is responsible for the Student Disciplinary Policy and Procedure and has responsibility for the implementation and

communication of the Policy and Procedure. The Director of Academic Services is responsible for administration of the Procedure. General enquiries about the Procedure can be made by email to student.complaints@rau.ac.uk

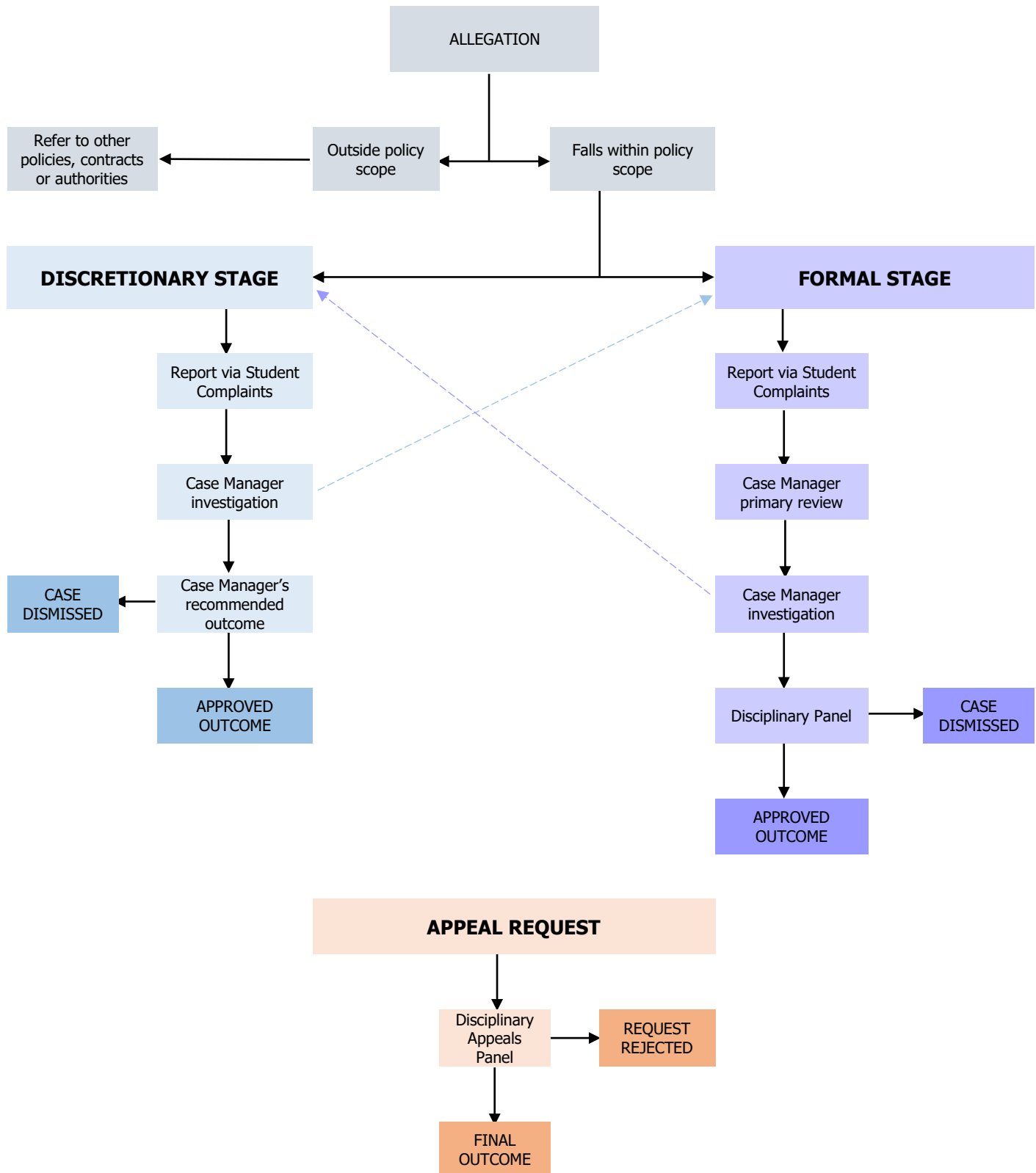
- b. Individual independent advice to students is available from the Student Union or by email to su@rausu.ac.uk, see RAUSU website:
<https://www.rau.ac.uk/university-life/social/student-union>
- c. General student welfare and wellbeing support is available from Student Support Services, Tel: 01285 889908 Ext 2291 or Email: studentsupportservices@rau.ac.uk

14) Related Documentation

- a. The following documents can be found on the University Policy & Procedure pages <https://www.rau.ac.uk/university-life/support-and-wellbeing/student-handbook>:
- b. Academic Misconduct Procedure
<https://res.rau.ac.uk/docs/www/policies/Academic-misconduct.pdf>
- c. Supporting documentation is available from the Gateway web pages
<https://www.rau.ac.uk/university-life/support-and-wellbeing/student-handbook>

15) Appendices

Appendix A – Flowchart of the Student Disciplinary Stages



Appendix B - Guidance Note on the application of sanctions, mitigation & aggravation

A.1 This Guidance Note complements the Royal Agricultural University's Student Disciplinary Policy and Procedure and offers advice on mitigation (factors which might lessen the sanction against a student), and aggravation (factors which might lead to a more severe sanction against a student).

The advice is to assist the Director of Academic Services, the Disciplinary Panel and the Disciplinary Appeal Panel when imposing sanctions under the Student Disciplinary Policy and Procedure.

Each instance of student misconduct under the Student Disciplinary Policy and Procedure will be individual and the Director of Academic Services, the Disciplinary Panel and Disciplinary Appeals Panel will want to take the particular circumstances of the individual case into account when imposing a sanction or sanctions.

A.2 In arriving at an appropriate sanction or sanctions the Director of Academic Services, Disciplinary Panel and Disciplinary Appeal Panel will also want generally to take into account such factors as:

- Whether the student is remorseful and/or has made a voluntary offer of compensation/reparation at an early stage.
- The extent of any harm caused and especially any physical injury to others.
- The time and place of occurrence, and therefore the likely impact on others.
- The degree of intentionality and/or recklessness displayed in the misconduct.

A.3 Under the Student Disciplinary Policy and Procedure a student making a timely, full and repentant admission of misconduct for an offence should normally have any sanction, except withdrawal of an award or expulsion, duly reduced.