

Student Discipline Policy and Procedure

Managed by: Academic Registrar

Approved by: VCEG

Department: Registry

Date approved: 21st September 2018

Type of document: Policy and Procedure

Review date: July 2019

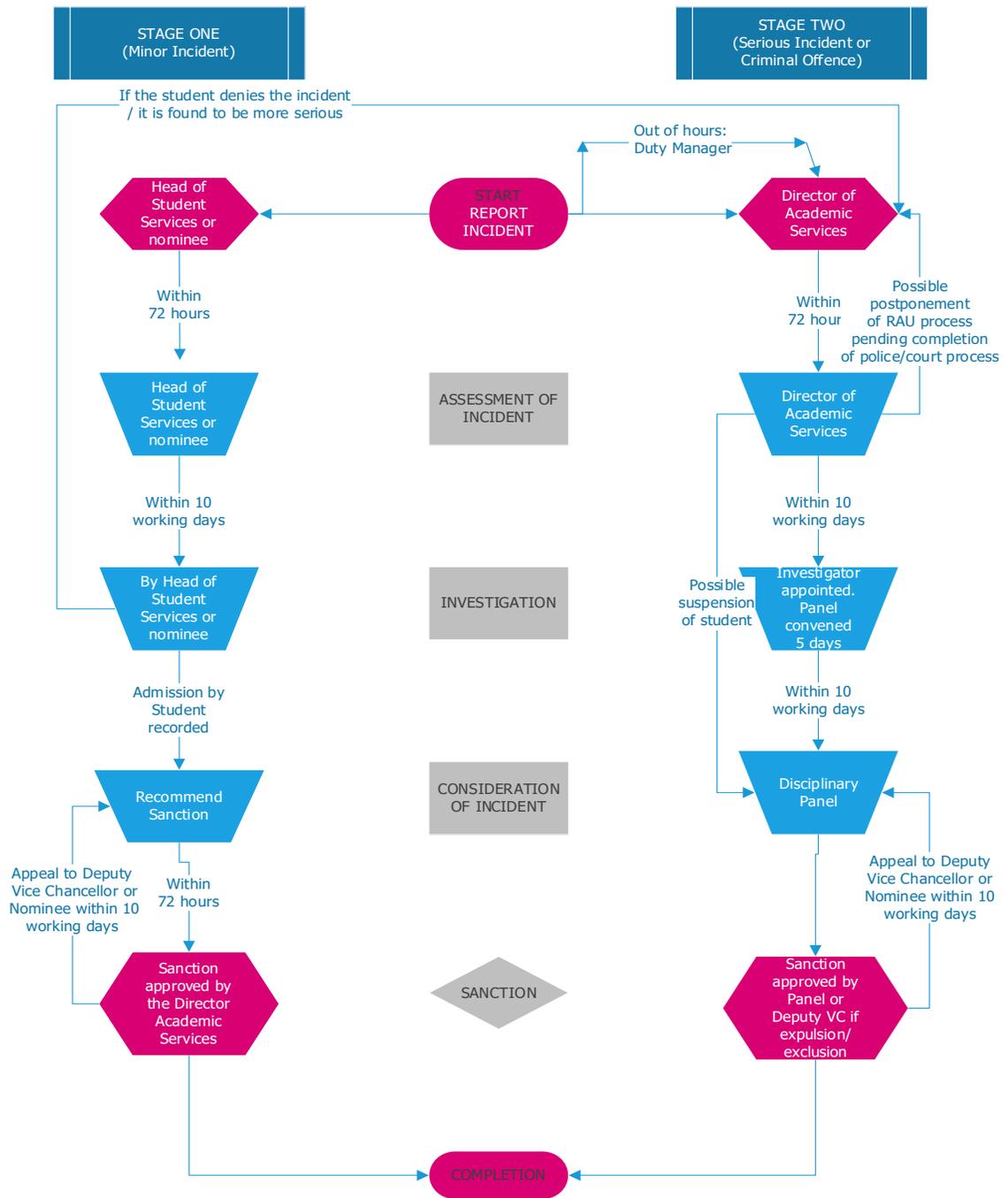
Version Control

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

Forward: Flowchart for the Student Discipline Policy and Procedure

STUDENT CONDUCT AND DISCIPLINE PROCEDURE



CONTENTS

1) Purpose	6
2) What defines misconduct for the purposes of this Procedure?	6
3) Burden and Standard of Proof	7
4) Scope	7
5) Decisions and Actions before starting the Disciplinary Procedure	8
a. Once an allegation has been raised:	8
b. Managing risk throughout the Disciplinary Procedure.....	8
c. Suspension Pending an Investigation or a Disciplinary Panel	9
d. Where a student is studying on a Tier 4 visa, the Assistant Registrar (Admissions) should confirm any potential impact on the student’s visa.....	10
6) Confidentiality and recording of disciplinary matters	10
7) THE STAGE 1 PROCEDURE	11
a. Report of the allegation	11
b. The investigation stage	11
c. Sanctions within the Stage 1 Procedure	12
d. Communicating and recording the outcome.....	13
e. Appeals.....	13
8) THE STAGE 2 PROCEDURE	13
a. Primary stage.....	13
b. Investigation	14
c. Representation and attendance at meetings, Disciplinary Panels and Disciplinary Appeals Panels.....	14
d. Student Disciplinary Panel.....	15
e. Sanctions within the Stage 2 Procedure	18
f. Appeals	20
10) Misconduct that is also a Criminal Offence or is subject to Civil Proceedings:	23
11) Audio or media recording	24
12) External Review	24
13) Governance, Management, Advice and Support	25

14) Related Documentation	25
15) Appendices.....	25
Appendix A - Guidance Note on the application of sanctions, mitigation & aggravation..	25

(Note: it is intentional that there is no section numbered 9 on preceding page)

Student Discipline Policy and Procedure

1) Purpose

- i. The Student Discipline Policy and Procedure is intended to provide a clearly formulated and impartial 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 flow chart setting out the stages of the Student Discipline Policy and Procedure is set out as Appendix A.
- ii. Academic Misconduct is handled through a separate [Procedure](#).
- iii. The [Student Conduct Policy](#) sets out the standards of conduct that the University requires of students.

2) What defines misconduct for the purposes of this Procedure?

- a. Any applicant having accepted a formal offer of study from the University or any student who is studying, or registered, at the University¹, shall be subject to disciplinary measures if the student is found to have committed an act of misconduct. The essence of misconduct under this Procedure is:
 - i. that it creates an unacceptable health and safety risk for students or staff or visitors to the University
 - ii. that it obstructs, frustrates or disrupts the functioning or activities of the University, or of those who study or work at the University;
 - iii. that it otherwise damages the University or its reputation, whether this takes place on campus or off campus, elsewhere including in the virtual environment such as social networking or websites.
- b. The [Student Conduct Policy](#) provides indicative examples of what may constitute misconduct, whether occurring on University premises or elsewhere,
- c. Where a student admits to misconduct then the University will decide if it is appropriate to treat the misconduct through the Stage 1 Procedure. Where the University decides, because of the serious nature of the alleged misconduct, that the Stage 1 Procedure is inappropriate, then the Stage 2 Procedure will apply. Examples of the latter are detailed in the [Student Conduct Policy](#).

¹ Students studying at Collaborative Partner Institutions will *normally* be subject to that Institution's Student Discipline Policy and Procedure

3) Burden and Standard of Proof

The burden is on the University to 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.

4) Scope

- a. This Policy and Procedure is for University use. Collaborative partner organisations will *normally* implement their own discipline policies and procedures, although it is anticipated that these will be aligned with this document and closely so for partners providing sub-contracted programme delivery.
- b. The Student Discipline Policy and Procedure may be initiated in response to reports from staff, other students or third parties.
- c. Instances of harassment or bullying should normally be reported, investigated and resolved through the [Bullying and Harassment Policy](#). The Bullying and Harassment Policy allows for the more serious allegations or repeated occurrences to be investigated through the Student Disciplinary Procedure. The Director of Academic Services¹ or the Deputy Vice- Chancellor will assess if the allegations fall within the scope of the Stage 1 or Stage 2 Procedure.
- 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).
- 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

¹ Where the Procedure refers to the Director of Academic Services it shall be taken also to refer to the Deputy Vice-Chancellor or a nominee of the Vice-Chancellor/Deputy Vice-Chancellor/Director of Academic Services.

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 dealt with under this Procedure.
- h. Where the student is also a member of staff, guidance should be sought from Human Resources as to whether any allegation might be considered under a separate specific procedure, or an agreed amended procedure; for example, the constitution of any Disciplinary Panel may be amended.
- 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.
- k. Where the circumstances of the allegation would mean that it may be progressed either by the Student Union or by the University, or by both parties, then the Director of Academic Services and the Student Union Administrator 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.

5) Decisions and Actions before starting the Disciplinary Procedure

- a. Once an allegation has been raised, the University:
 - i. will determine 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. will determine if the allegation may be best handled through the ***Stage 1*** Procedure or through the ***Stage 2*** Procedure.
- b. Managing risk throughout the Disciplinary Procedure

- i. 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 even if no misconduct is found. 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. These measures are not disciplinary sanctions and do not imply that any decision has already been made about the allegations. It will be for no longer than the University deems it 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 reasonable 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.
 - ii. Suspension pending a Disciplinary Panel 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
 - iii. A student who is suspended pending a Disciplinary Panel 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 further qualification, such as permission to take an examination or submit an assignment.
 - v. A suspended student should seek guidance from their School 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. Any such request should provide appropriate supporting evidence.
 - vii. Where a student is suspended but the Disciplinary Panel (and any subsequent appeal) is 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, the Director of Academic Services will inform the student's Head of School and Personal Tutor, the Head of Student Services and Assistant Registrars, the University's Security Team, IT Services, Finance and the Student 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 Tier 4 visa, the Assistant Registrar (Admissions) should confirm any potential impact on the student's visa.

6) Confidentiality and recording of disciplinary matters

- a. The proceedings of a Disciplinary Panel shall remain confidential, with the exception of its verdict and any sanction imposed (which is communicated only to those persons that are required to implement the sanctions).
- 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 Head of School and Personal Tutor, the Head of Student Services and Assistant Registrars, the University's Security Team, IT Services, Finance and the Student 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 STAGE 1 PROCEDURE

The Stage 1 Procedure has the following steps:

- a. Report of the allegation.
- b. Investigation meeting.
- c. Sanction recommended following admission of the alleged misconduct. The sanctions available at this stage are listed in paragraph 8 c.i below.
- d. Referral to the Stage 2 Procedure where the student denies the allegation.
- e. Communicating and recording the outcome.
- f. Appeals.

a. Report of the allegation

The incident is reported to the Head of Student Services (or appropriate nominee) who will assess this initial report and decide if the incident should be considered under the Stage 1 Procedure or referred to the Director of Academic Services for consideration within the Stage 2 Procedure.

b. The investigation stage

- i) The Head of Student Services (or nominee) will then proceed with the Stage 1 Procedure and carry out an investigation.
- ii) If only one student is involved, as part of this investigation the Head of Student Services (or nominee) will invite the student against whom the allegation has been made to a meeting. This meeting will normally take place within three University working days of the incident being reported. If the student admits the misconduct offence during the course of the meeting this will be recorded. The student concerned will be sent a written summary of the meeting.

- iii) If more than one student is involved, as part of this investigation the Head of Student Services (or nominee) will invite each student against whom the allegation has been made to an individual meeting. These meetings will normally take place within three University working days of the incident being reported. If any student admits responsibility this will be recorded. Each student will be sent a written summary of their individual meeting.
- iv) Once the investigation is complete, the Head of Student Services (or nominee) 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.
- v) Subject to the Head of Student Services' (or nominee's) report, The Director of Academic Services will either confirm the outcome and any sanction(s) or else refer the case to the Stage 2 Procedure.
- vi) 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 Stage 2 Procedure either in full, or direct to the appeal stage, as deemed appropriate by the Director of Academic Services.

c. Sanctions within the Stage 1 Procedure

Upon confirmation from the Director of Academic Services, the Head of Student Services (or nominee) will communicate the sanction to the student, which will comprise one or more of the following, noting that 3-8 are not intended as an exhaustive list of possible sanctions:

- (1) Verbal warning.
- (2) Written Warning, noting that the remaining sanctions below can only be communicated as part of a written warning.
- (3) Written undertaking by the student. This may include specific actions which should be clearly specified, including dates for completion and the point/process for signoff. These would include one or more of:
 - (a) To be of good conduct for a specified period.
 - (b) To complete an action log on a specific aspect of conduct relevant to the finding of the offence.
 - (c) To complete a reflective essay on specific aspect(s) of their behaviour, understanding and/or conduct relevant to the offence. The length of the essay must be specified.

- (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) To impose a No Contact Order with specified persons.
- (7) To impose restrictions on access to University licensed premises and events.
- (8) To impose sanctions on access to University premises and facilities.

d. Communicating and recording the outcome

- i) The outcome of the investigation will be communicated by the Head of Student Services (or nominee) to the student or students concerned, who in turn are required to reply, within five University working days of communication, as to their acceptance of the sanction, and in writing where this concerns a written warning.
- ii) A record of the investigation, the outcome and any sanctions will be reported to the Assistant Registrars and will be recorded on the student's record.

e. Appeals

Where a student considers the outcome of the Stage 1 Procedure is unfair then the student may submit an appeal. The Disciplinary Appeals Procedure is set out in paragraph 8f.

8) THE STAGE 2 PROCEDURE

The Stage 2 Procedure has the following steps:

- a. Primary stage
 - i. Initiation of the Stage 2 Procedure.
 - 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 stage

- i) The Stage 2 Procedure shall be initiated when a person reports an allegation of misconduct to the University, where this is not a matter that is suitable for consideration through the Stage 1 Procedure. The Stage 2 Procedure will also progress the outcome of the Stage 1 Procedure where the student denies the alleged offence or refuses to accept the recommended sanction.
 - ii) The allegation should be passed immediately to the Director of Academic Services. When the Director of Academic Services has appraised the scope of the allegations, the University will advise the student(s) concerned of the allegations, and explain the process to be followed and any temporary measures which will be put in place.
- b. Investigation
- i) The purpose of an investigation is to gather the facts and evidence relating to the allegations.
 - ii) There are three possible recommendations of the Stage 2 Procedure investigation:
 - (a) proceed to a Disciplinary Panel
 - (b) revert to the Stage 1 Procedure (allegation is a first offence against a student who admits to the allegation)
 - (c) dismissal of the case if the investigator believes 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 Director of Academic Services will appoint an investigator, normally the Head of Student Services (or nominee), to co-ordinate and manage the case. The investigator will prepare a report which sets out the findings and recommendations.
 - v) Where an allegation has been investigated as part of the Stage 1 Procedure following denial of the allegation, and is being progressed through the Stage 2 Procedure, the Disciplinary Panel will consider the investigator's report from the Stage 1 Procedure.
- c. Representation and attendance at meetings, Disciplinary Panels and Disciplinary Appeals Panels

- i) The student may be accompanied at any meeting or Panel under this Procedure by a supporter 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 supporter should not be involved in the alleged offence. Where a student's disability or specific learning difficulty means that the student requires a support worker to accompany them, this would be in addition to the supporter of the student's choice. Where the student is unable to identify someone from the University community willing to act as a supporter, then, in negotiation with the student, the University may appoint someone to accompany the student where the University considers this to be in the best interest of the student.
 - ii) The student must provide the University with the name of their chosen supporter who will be attending any Panel meeting(s). The supporter must not be someone who has been suspended or excluded from the University. Legal Representation is not permitted for Panels. It is the responsibility of the student (and not the University) to relay all relevant notices and other information to their supporter.
 - iii) If, for good reason, a student is unable to attend a Panel then the student may request permission from the University for their supporter to attend that Disciplinary Panel on their behalf.
 - iv) Where the student can evidence good cause, a Panel may be postponed at the discretion of the Chair of the Panel. The Chair of the Panel may decide to proceed with the Disciplinary Panel in the absence of the student or their representative.
 - v) Where the University has good cause, a Panel may be postponed or adjourned at the discretion of the Chair of the Panel.
 - vi) Exceptionally a student may request to attend the Panel 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 student is responsible for ensuring that they, the student, have access to appropriate technology.
- 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 call witnesses and be accompanied by a supporter. 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. All Disciplinary Panel members shall be drawn from outside the student's School. A member of Registry shall act as Secretary but shall not constitute a member of the Disciplinary Panel or take part in the decision making. The investigator shall attend to present the case.
- iii) Membership of the Disciplinary Panel shall be drawn from a pool of academic staff, or senior professional services staff nominated by the University. Different staff will be involved in offering guidance to students to those serving as Disciplinary Panel members or as members of any related Appeal Panel.
- iv) After the investigation (outlined in b. above) the student shall be given a minimum of 10 University working days' notice before a Disciplinary Panel and shall be invited to attend, except where the University has agreed at the student's request that shorter notice is acceptable. The Head of Student Services and Assistant Registrars will be advised of all students invited to attend a Student Disciplinary Panel for alleged misconduct.
- 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 investigator to set out the allegation(s) in full, and to name witnesses, if any, to be called, in advance of the Panel. A copy shall be sent to the student at least 10 University working days before the Panel.
- vii) The student shall respond in writing no later than five University working days before the Panel to confirm attendance at the Panel meeting and to name their supporter (if any) 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.
- viii) The student and/or the investigator 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 parties in advance of the Panel.

- ix) Witnesses may be called to give evidence in person. The Disciplinary Panel may accept a witness's 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 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:
- (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 investigator.
 - (4) The student will be invited to respond to the allegations.
 - (5) The Disciplinary Panel shall have the opportunity to question both the investigator and the student.
 - (6) Either party may call 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 investigator 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 Investigator, the student and their supporter shall withdraw whilst the Disciplinary Panel reach their decision.
 - (10) The order may be varied at the discretion of the Chair.
 - (11) The Disciplinary Panel may impose time limits on oral addresses and submissions.
 - (12) The Disciplinary Panel shall rely only on evidence presented at the Panel, or in written format beforehand.
- xii) Exceptionally, at the discretion 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.
- xiii) The Disciplinary Panel shall find a student had committed an act of misconduct, on the evidence before it, where it is satisfied on the balance of probability that the student had committed the act of misconduct. If the

members of the Disciplinary Panel cannot agree, the verdict of the Disciplinary Panel shall be that of the majority of its members.

- xiv) When considering the sanction, the Disciplinary Panel should 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.
- xv) 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 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.
- xvi) The decision of the Disciplinary Panel will be communicated to the Head of Student Services and the Assistant Registrars.
- xvii) 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.

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 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 the student's Head of School where there is likely to be a significant impact upon the student's studies.
- (3) A Panel is only able to recommend the sanction of exclusion or expulsion from the University. In such cases, the decision to exclude or expel will be taken by the Deputy Vice-Chancellor or a nominee of the Vice-Chancellor.
- (4) 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 C. Any breach in the terms of the sanction may result in a student receiving a further, more serious sanction.
- (5) 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 whether the University has suffered any detriment because of the misconduct.

ii) Implications for international students

A student studying on a Tier 4 visa who is to be suspended or who will be subject to the sanction of exclusion or expulsion, shall be reported to Registry 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 Tier 4 Key Contact 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) Written undertaking by the student. This may include specific actions which should be clearly specified by the Disciplinary Panel, including dates for completion and the point/process for signoff. These would include one or more of:
 - (a) To be of good conduct for a period determined by the Disciplinary Panel.
 - (b) To complete an action log on a specific aspect of conduct relevant to the finding of the Disciplinary Panel.
 - (c) To complete a reflective essay on a specific aspect(s) 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) To impose a No Contact Order with specified persons.
- (7) To exclude or restrict a student's access to parts of the University or University services.
- (8) To restrict access to University events, including Graduation.
- (9) Recommend to the Deputy Vice-Chancellor exclusion from the University for a fixed period, up to a maximum of 12 months.
- (10) Recommend to the Deputy Vice-Chancellor 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.
- (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.

f. 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 Stage 1 or Stage 2 Procedure) 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 the decision might 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 shall only be granted if there is evidence to support one or more of the grounds set out above.

- (3) The University shall, in all cases, and normally within five University working days of receipt of the request for an appeal, determine whether the appeal has been received within the appropriate timescale and discloses valid grounds for appeal.
 - (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 an Appeals Panel.
 - (6) The University shall have the power to defer the operation of the sanction where an appeal is pending.
- ii) Student Disciplinary Appeals Panel
- (1) Where the Deputy Vice-Chancellor (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 receipt of the request for an appeal, to consider the appeal and to determine an outcome.
 - (2) The Disciplinary Appeals Panel shall be drawn from a pool of staff nominated by the Deputy Vice-Chancellor (or nominee) and the Student Union. Each meeting of the Disciplinary Appeals Panel shall comprise three staff members, one of whom shall be Chair. All Disciplinary Appeals Panel members shall be impartial and drawn from outside the student's School. Any person who was a member of the original Panel shall take no part in the meeting of the Disciplinary Appeals Panel at which any appeal from the Disciplinary Panel's decision is considered (except for the purposes of presenting a report). A member of Registry shall act as Secretary.
 - (3) Where the appeal is based on a procedural irregularity (Ground B) or that the sanction is manifestly perverse (Ground C), the Chair of the Disciplinary Panel at Stage 2 (or the investigator for an appeal against a Stage 1 Procedure outcome) shall, as soon as is reasonably possible, receive a full copy of any evidence submitted by the student. The Chair of the Disciplinary Panel, or the investigator, 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.
 - (4) Where an appeal is based on new evidence not available at the time of the original Stage 1 or Stage 2 Procedure, the Disciplinary Appeals Panel

will not normally require the Chair of the Disciplinary Panel (or the investigator for an appeal against a Stage 1 Procedure outcome) to make representations to the Panel.

- (5) Student representation and attendance at meetings, Disciplinary Panels and Disciplinary Appeals Panels is detailed in Section 8d above.
- (a) 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.
 - (b) There shall be no entitlement to a full review of a case. The Disciplinary Appeals Panel can, after full consideration of the appeal, either: accept or reject the appeal in whole or part; refer to the original Stage 1 or 2 Procedure for reconsideration of a specific issue; refer to a new Student Disciplinary Panel; or substitute a new decision or sanction.
 - (c) The student and/or the person accompanying him/her may speak on the student's behalf.
 - (d) The student shall be the first party to present their case to the Disciplinary Appeals Panel.
 - (e) Where appropriate, the Chair of the Disciplinary Panel or the investigator for an appeal against a Stage 1 Procedure outcome will present the response to that case. The Secretary to the Disciplinary Appeals Panel may also address any procedural issues, where appropriate.
 - (f) Order of proceedings for a Disciplinary Appeals Panel shall normally be:
 - (i) Introduction of those present, outline of procedure (Chair).
 - (ii) Student invited to declare any factors which may affect their performance in the Appeals Panel.
 - (iii) Grounds for appeal shall be set out by the student, or their representative. The Chair of the original Disciplinary Panel shall respond to the appeal (where appropriate).
 - (iv) The Appeals Panel shall have the opportunity to question both the Chair of the Student Disciplinary Panel (where appropriate) and the student.
 - (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 Chair of the Disciplinary panel shall sum up the response to the appeal. New evidence is not admissible at this time.

(viii) The Chair of the Disciplinary Panel, the student and their supporter shall withdraw whilst the Appeals Panel reach their decision.

(6) The Disciplinary Appeal Panel, where there is good cause to do so, may amend the order of proceedings. In such instances the Chair must confirm the amendment and the reasons for this, and both shall be recorded in the minutes of the Appeal Panel.

(7) The Disciplinary Appeal Panel shall consider its decision and shall notify the appellant of its decision and its reasons, 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 a Criminal Offence or is subject to 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 Discipline 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 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 Discipline 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 audio recording of meetings held under this Procedure is prohibited, subject to such reasonable adjustment as may be agreed by the University where required to comply with the Equality Act 2010. Where reasonable adjustments are required, the student is asked to inform the Secretary in good time prior to any meetings to allow the University to ensure suitable facilities are available.

12) External Review

If on receipt of a Completion of Procedures Letter the student is still dissatisfied, the student may request a 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 Discipline 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 registry@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](#)
- 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 - Guidance Note on the application of sanctions, mitigation & aggravation

A.1 This Guidance Note complements the Royal Agricultural University's Student Discipline 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 Security & Conduct Manager, Director of Academic Services, the Disciplinary Panel and the Disciplinary Appeal Panel when imposing sanctions under the Student Discipline Policy and Procedure.

Each instance of student misconduct under the Student Discipline Policy and Procedure will be individual and the Security & Conduct Manager, 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 Security & Conduct Manager, 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 Discipline Policy and Procedure a student admitting misconduct for an offence should normally have any sanction, except withdrawal of an award or expulsion, duly reduced.