STUDENT DISCIPLINARY PROCEDURE 2014-15

Approved - July 2005 (Updated June 2012 and July 2014)

Introduction

1. In accordance with the University’s Articles of Government, and after consultation with Senate, the Board of Governors is responsible for making rules with respect to the conduct of students including procedures for suspension and expulsion.

2. The Vice Chancellor is responsible for the maintenance of student discipline and, within the rules and procedures provided for within the Articles; the Vice Chancellor is responsible for the suspension and expulsion of students on disciplinary grounds.

3. This procedure will be used in considering actions of students in their capacity as students. The University expects much the same standard of behaviour from students as it does from staff. At all times students are expected to conduct themselves in a reasonable and orderly manner with due regard to other people or property. As stated in the University’s General Regulations, students whose conduct is deemed to be otherwise unacceptable may be subject to disciplinary action.

4. Many complaints of misconduct either from one student against another or from a member of staff against a student will be dealt with informally by consultation between the student(s) and staff concerned, the Course Tutor, the Personal Tutor and the appropriate Academic Group Leader/Research Centre or their nominee. Complaints for which this Disciplinary Procedure is not appropriate will always be dealt with in this way. This procedure should be used either where the alleged misconduct is of the indicative type of behaviour identified in the Appendix and/or where informal action at the Academic Group/Research Centre level has, in the opinion of the Academic Group Leader, failed or is considered inappropriate.

All references in this procedure to “working days” relate to weekdays during University term-time.

Procedure

5. Any member of the University, staff or student, who becomes aware of what he/she considers to be a serious breach of discipline (see Appendix) by any student, shall in the first instance, report such a breach to that student’s Academic Group Leader or to the Pro Vice Chancellor (Academic), who may refer the matter to an appropriate nominee or make his/her own investigations as in Paragraph 10.

6. If the incident is reported to an Academic Group Leader, they will make such enquiries as s/he deems necessary to confirm the facts reported and determine the seriousness of the incident. If the matter is of such seriousness that criminal proceedings may be pending, then the Academic Group Leader should inform the Pro- Vice Chancellor (Academic) immediately s/he is aware of the fact. If criminal charges are brought, disciplinary proceedings (with the
exception of suspension) may be held in abeyance, pending the outcome of the criminal case. This will be decided on the nature and severity of incident.

7. During the course of his/her enquiries the Academic Group Leader will afford the student an opportunity of hearing what is alleged against him/her and making such reply he/she may wish. The Academic Group Leader may then take any of the following measures, and so inform the student in writing:

   (i) Take no further action.
   (ii) Reprimand the student, with the possibility this may be placed on the student's record.
   (iii) Require the student to give an undertaking as to his/her future conduct within the University.
   (iv) Recommend to the Pro Vice Chancellor (Academic) (In the instance of the Pro Vice Chancellor (Academic) not being available, the Vice Chancellor may nominate another senior manager) that the student makes restitution for any damage, theft or loss of property he/she has caused.
   (v) Refer the matter to the Pro Vice Chancellor (Academic), within 14 working days of the date the incident was first reported to the Academic Group Leader.

8. In the case of 7(ii) and 7(iv) the student will have the right to refer the case to the Pro Vice Chancellor (Academic) by requesting this in writing within 7 working days of receipt of the decision of the Academic Group Leader.

9. In the case of a student failing to comply with 7 (iii) or 7 (iv) the Academic Group Leader may subsequently refer the matter to the Pro Vice Chancellor (Academic).

10. If the matter is referred to the Pro Vice Chancellor (Academic) under Paragraph 5 or 7 (v) above he/she will make such enquiries as she/he deems necessary to confirm the facts reported and determine the seriousness of the incident. During the course of the enquiries the Pro Vice Chancellor (Academic) will afford the student an opportunity of hearing what is alleged against him/her and making such reply as he/she may wish.

11. The Pro Vice Chancellor (Academic) may take any of the following measures:

   i) Take no further action.
   ii) Reprimand the student, with the possibility of this being placed on the student's record.
   iii) Require the student to give a written undertaking as to his/her future conduct within the University.
   iv) Require the student to make restitution for any damage, theft or loss of property he/she may have caused.
   v) Refer the matter for consideration by the Disciplinary Committee within 14 working days of the date of the matter being brought to the Pro Vice Chancellor (Academic)'s attention.
   vi) Refer the matter for consideration by the Vice Chancellor (under the Articles of Government only the Vice Chancellor is responsible for the suspension or expulsion of students on disciplinary grounds) who may confirm or add to the measures above, and decide to:
   vii) Suspend the student, specifying how long or on what condition the student will be permitted to return.
   viii) Exclude the student from the whole or part of his/her course, Academic Group/Research Centre or other area of the University, and any conditions that should be attached.
12. In any of the actions under Paragraph 11 (ii) - (viii) the Pro Vice Chancellor (Academic) or Vice Chancellor may also refer the matter to the Disciplinary Committee.

13. The student shall be notified in writing within 7 working days of the decision by the Pro Vice Chancellor (Academic) or Vice Chancellor with respect to 11 (i) to (vi) or by the Vice Chancellor of the intention to take action under 11 (vii) or (viii). The notice to the student in all cases will state the allegations forming the basis of the disciplinary action, the reasons for the decision and include details of the Disciplinary Procedure. The Pro Vice Chancellor (Academic) or Vice Chancellor will also send a copy of the written decision to the Secretary to Senate acting as Secretary of the Disciplinary Committee.

14. The student may request a review of the Pro Vice Chancellor (Academic)'s or Vice Chancellor's decision by:

   (i) the Disciplinary Committee for actions under 11 (ii) - (iv), or
   (ii) the Governors' Student Disciplinary Review Committee for actions under 11 (vii) and 11(viii), and would do so by writing to the Clerk to the Governors within 7 working days of the date he/she was notified by the Pro Vice Chancellor (Academic) or Vice Chancellor.

15. In the case of a student failing to comply with any disciplinary action, the Pro Vice Chancellor (Academic) or Vice Chancellor may take further action as provided for in Paragraph 11. Any pending review would be taken into account.

Disciplinary Committee

16. This Committee shall report to the Vice Chancellor and, when required, recommend to him/her an appropriate course of action.

17. The terms of reference for the Disciplinary Committee shall be:

   i) to consider any general student disciplinary matter referred by the Vice Chancellor;
   ii) to consider the disciplinary case of any student referred by the Pro Vice Chancellor (Academic) or the Vice Chancellor under Paragraph 12, and to recommend the action to be taken;
   iii) to review under Paragraph 14(i) a decision by the Pro Vice Chancellor (Academic) or the Vice Chancellor where it includes actions under 11 (ii) to (iv) and to recommend the action to be taken.

18. The membership of the Disciplinary Committee shall be made up of:

   i) A senior member of staff who will act as Chairperson. The Chair shall have no direct connection with the student or his/her course.
   ii) Two members of the full time staff from a Panel of 10 appointed at the first meeting of the Senate in each Academic Year, not necessarily members of the Board. Staff sitting on the Committee shall have no direct connection with the student or his/her course.
   iii) Two students from a Panel consisting of two students from each Academic Group/Research Centre appointed at the start of each Academic Year under procedures determined by the Student Union. Students sitting on the Committee shall have no connection with the student by way of personal friendship, household, society or academic course.
   iv) The Secretary to Senate shall act as Secretary to the Disciplinary Committee and be responsible for the appointment of panels, membership and administration of the Committee in accordance with this procedure. In making arrangements for the
meeting, he/she shall be mindful that those persons and such evidence as the parties may wish to present or the Committee may wish to consider, need to be available.

v) The Quorum will be 3, with a minimum of one staff and one student member, in addition to the Chair. The Vice Chancellor or his/her nominee may attend.

19. In the consideration of an individual case:

i) A student shall have the right to appear and be heard and also to be accompanied by a friend, or other associate who may speak on his/her behalf, at all meetings of the Disciplinary Committee where evidence is presented. The student shall have the right to give evidence and question persons through the Chair and any evidence obtained by the Committee.

ii) The Committee shall have the right to call for such reports, interview such persons, question those who present statements to it and to consider such other evidence as they may deem necessary to reach a recommendation.

iii) In the event of the Pro Vice Chancellor (Academic) or Vice Chancellor referring a case for consideration under Paragraph 12, the Committee shall first receive a statement from that person. In the case of a student's request under Paragraph 14, it shall first receive a statement from the student or his/her representative on the reasons for review.

iv) On completion of the opening statement the other party may make a statement and both sides in respective order shall call witnesses, and present evidence if appropriate. All witnesses, appearing one by one, shall be available for questioning by either party when they have given their evidence.

v) The student, or his/her friend, may then make a closing address to the Committee.

vi) After consideration of a disciplinary case the Committee will consider whether the student has committed a disciplinary offence, the nature of that offence and recommend to the Vice Chancellor one or more of the following courses of action:

a) that no disciplinary action is necessary;
b) issue a reprimand, with the possibility that this be placed on the student's record;
c) require the student to give an undertaking as to his/her future conduct within the University;
d) require the student to make restitution for any damage, theft or loss of property he/she may have caused;
e) that any suspension previously imposed by the Vice Chancellor is continued or that the Vice Chancellor suspends the student for a specified period together with any conditions that should be attached;
f) that the Vice Chancellor excludes the student from the whole or part of his/her course, Academic Group/Research Centre or other area of the University, and any conditions that should be attached.

vii) The recommendation of the Disciplinary Committee and the grounds for the decision shall be conveyed to the student and the Vice Chancellor in writing within 7 working days of the meeting of the Committee. In the case of a recommendation under 19 (vi) (e) and (f) above, there shall be a right of an appeal to the Board of Governor's Review Committee and this shall also be notified to the student.

viii) The Vice Chancellor shall consider the recommendation of the Committee and if, after 7 days there is no appeal against the recommendation as provided for in these regulations, he/she shall take any measures as provided for in 19 (vi) above

20. In the case of a student failing to comply, the Vice Chancellor may take further appropriate action as provided for in 19 (vi) (b) - (f).
Board of Governors' Student Disciplinary Review Committee

21. A student may request a review of the recommendation of the Disciplinary Committee and/or the Vice Chancellor's decision only where it includes suspension or exclusion from the University. The request must be made to the Board of Governors within 7 working days of receipt of the decision of the Committee or Vice Chancellor by writing to the Clerk to the Governors giving the grounds for such a request.

22. Unless the Chairman of the Board determines based on the evidenced facts of the case no review is necessary, any request for review to the Board of Governors shall, where practicable to do so, be heard within 14 working days after notice of a request for a review has been given.

23. The Board of Governors will establish a Committee of 3 members on an ad hoc basis. It shall not include staff or student members who were nominated to serve on the Disciplinary Committee, but the Vice Chancellor (or his/her nominee) may be invited to attend the meetings. The Clerk to the Governors will be responsible for the membership and administration of the Committee in accordance with these procedures.

24. The procedure that shall apply to the Board of Governors' Student Disciplinary Review Committee is that set out for the Disciplinary Committee in Paragraphs 19 and 20.

25. The decision and any recommendations of the Board of Governors to the Vice Chancellor shall be notified to the student and Vice Chancellor, together with the grounds for the recommendation, within 7 working days of the meeting.

26. The Vice Chancellor shall consider the decision and any recommendations made by the Board of Governors' Student Disciplinary Review Committee and take any of the measures provided for in Paragraph 19 (vi) (a) - (f).

27. The decision of the Vice Chancellor shall be final.

Office of the Independent Adjudicator for Higher Education

28. Students who remain dissatisfied may refer their case to the Office of Independent Adjudicator (OIA) for review. Referrals to the OIA are only accepted when all University internal procedures have been exhausted. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator
3rd Floor, Kings Reach
38-50 Kings Road
Reading
Berkshire RG1 3AA
Tel: 0118 959 9813
Email: enquiries@oiahe.org.uk
Website: http://www.oiahe.org.uk
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| **Document history (e.g. rationale for and dates of previous amendments)** | July 2012 minor updates to reflect organisational change  
July 2014 as above |