

STUDENT DISCIPLINARY PROCEDURE

July 2005

Introduction

1. In accordance with the Articles of Government, and after consultation with the Academic Board and with representatives of the students, 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 will be assisted by teaching and support staff in this regard. Within these rules and procedures the Vice Chancellor is also responsible for the suspension and expulsion of students on disciplinary grounds.

3. The University expects much the same standard of behaviour from students as it does from staff. This code will be used in considering actions of students in their capacity as students. 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 Head of Department. Complaints for which the Disciplinary Procedures are not appropriate will always be dealt with in this way. These procedures will only be used either where the alleged misconduct is of the type indicated and/or where informal action at the Department level has, in the opinion of the Head of Department, failed or is considered inappropriate.

Procedure

4. 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 Head of Department or to a Pro Vice Chancellor, who may refer the matter to the appropriate Head of Department or make his own investigations as in Paragraph 9.

5. If the incident is reported to a Head of Department, the Head will make such enquiries as 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 Head of Department should inform the Vice Chancellor immediately he is aware of the fact. If criminal charges are brought, disciplinary proceedings (with the exception of suspension) will normally be held in abeyance, pending the outcome of the criminal case.

6. During the course of his enquiries the Head will afford the student an opportunity of hearing what is alleged against him/her and making such reply he/she may wish. The Head of Department 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 a Pro Vice Chancellor (In the instance of no Pro Vice Chancellor 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 a Pro Vice Chancellor, within 14 working days (all references in these procedures to "working days" relate to weekdays during University term-time) of the date the incident was first reported to the Head of Department.

7. In the case of ii) and iv) the student will have the right to refer the case to a Pro Vice Chancellor by requesting this in writing within 7 working days of receipt of the decision of the Head of Department.

8. In the case of a student failing to comply with iii) or iv) the Head of Department may subsequently refer the matter to a Pro Vice Chancellor.

9. If the matter is referred to a Pro Vice Chancellor 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 will afford the student an opportunity of hearing what is alleged against him/her and making such reply as he/she may wish.

10. The Pro Vice Chancellor 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'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, Department or other area of the University, and any conditions that should be attached.

11. In any of the actions under (ii) - (viii) the Pro Vice Chancellor or Vice Chancellor may also refer the matter to the Disciplinary Committee.

12. The Student shall be notified in writing within 7 working days of the decision by the Pro Vice Chancellor or Vice Chancellor with respect to 10 (i) to (vi) or by the Vice Chancellor of the intention to take action under 10 (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 Procedures. The Pro Vice Chancellor or Vice Chancellor will also send a copy of the written decision to the University Secretary acting as Secretary of the Disciplinary Committee.

13. The student may request a review of the Pro Vice Chancellor's or Vice Chancellor's decision by the Disciplinary Committee for actions under 10 (ii) too (iv),

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

14. In the case of a student failing to comply with any disciplinary action, the Pro Vice Chancellor or Vice Chancellor may take further action as provided for in paragraph 10. Any pending review would be taken into account.

Disciplinary Committee

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

16. Terms of Reference

16.1 to consider any general student disciplinary matter referred by the Vice Chancellor;

16.2 to consider the disciplinary case of any student referred by a Pro Vice Chancellor or the Vice Chancellor, and to recommend the action to be taken;

16.3 to review a decision by a Pro Vice Chancellor or the Vice Chancellor where it includes actions under 10 (ii) to (iv) and to recommend the action to be taken.

17. Membership

i) An Associate Dean, or other senior member of staff who will act as Chairperson. The Chairperson 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 Academic Board 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 Department 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 person friendship, household, society or academic course.

iv) The University Secretary shall act as Secretary and be responsible for the appointment of panels, membership and administration of the Committee in accordance with these procedures. 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 Chairperson.

vi) The Vice Chancellor or his/her nominee may attend.

Procedures

18. 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 and 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 a Pro Vice Chancellor or Vice Chancellor referring a case for consideration, the Committee shall first receive a statement from that person. In the case of a student's request 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, Department 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 (vi) (d), (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 (vi) above.

19. In the case of a student failing to comply, the Vice Chancellor may take further appropriate action as provided for in (c) - (f).

Board of Governors' Student Disciplinary Review Committee

20. A student may request a review of the recommendation of the Disciplinary Committee and/or the Vice Chancellor's decision where it includes restitution, exclusion, suspension or expulsion from the University. The request is to 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 University Secretary giving the grounds for such a request.

21. Unless the Chairman of the Board decides no review is necessary, any request for review to the Board of Governors shall be heard within 14 working days after notice of a request for a review has been given.

22. The 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 Student Disciplinary Committee, but the Vice Chancellor (or his/her nominee) and University Secretary may be invited to attend the meetings. The University Secretary

will be responsible for the membership and administration of the Committee in accordance with these procedures.

23. The procedures that shall apply to the Governors' Review Committee are those as set out for the Disciplinary Committee in 18 and 19.

24. 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.

25. The Vice Chancellor shall consider the decision and any recommendation's made by the Governors Review Committee and take any of the measures provided for in 18 (vi) (a) - (f).

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

Appendix

The following types of behaviour will normally be deemed to constitute serious breaches of discipline:

1. Malicious damage to or theft of University property or the property of any student or member of staff.
2. Sexual harassment and/or discrimination.
3. Incitement to and/or use of racist language, behaviour or activity.
4. Use of aggressive language or intimidating behaviour of any kind which would be deemed by common consent to be offensive.
5. A serious breach of University regulations, such as misappropriation of information (under the Data Protection code of practice or otherwise) University funds or assets, or breaches of the Health and Safety Policy, in particular any action likely to cause injury to any person or breach of safety within the University.
6. The University has a responsibility to ensure, within the law, freedom of speech, lawful assembly, expression for ideas, action or enquiry of any student or member of staff or authorised visitor to the University, and will take whatever appropriate action is necessary with anyone who disrupts or interferes with these legitimate rights.

The above is indicative of types of serious breaches but is not intended to be exhaustive.