

## I. STUDENT DISCIPLINE

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This Ordinance is made pursuant to Article V[vi] of the Charter and Statutes V.5 and 6, XIV[xv] and XXI

### 1. General

- 1.1 Every student of the University shall be subject to The General Regulations for all Students (Regulation 13) and any rules governing the conduct of students as shall be made in accordance with regulations of the Senate. Such rules shall include conditions set by academic departments, halls of residence and central service departments of the University.
- 1.2 The University shall appoint: [a] Disciplinary Officers, [b] a Board of Discipline, and [c] a Board of Appeal.
- 1.3 Reviews of the decision of a Disciplinary Officer shall be conducted by two other Disciplinary Officers. Appeals against the decision of the Board of Discipline shall be considered by the Board of Appeal.
- 1.4 Incidents which may involve breaches of the regulations of the University may be reported to the Registrar (or nominee) or to one of the Disciplinary Officers. When an incident is reported to the Registrar, the Registrar shall refer the incident to a Disciplinary Officer and will recommend whether a preliminary investigation, as defined by Section 2.4, should be conducted or whether the Disciplinary Officer should proceed with a formal interview as in Section 2.5.
- 1.5 All reports of incidents must be submitted in writing. Any report (and accompanying evidence) will be retained and may be used in the initial consideration of the incident and any subsequent consideration under the review process, by the Board of Discipline or by the Board of Appeal. Reports of incidents may be submitted by a staff member of the University (e.g. Personal Tutor) acting on a student's behalf and with their written consent.
- 1.6 The names of complainants and other witnesses (and information that might identify them) must be redacted before documents are copied and circulated under any stage of the disciplinary process.
- 1.7 At any stage in the disciplinary process, Disciplinary Officers may determine that it is appropriate to attempt to address a reported incident informally by way of mediation. Such mediation can only be pursued with the agreement of all parties to the incident. The process of mediation represents a "stepping-aside" from the disciplinary process in an attempt to reach an acceptable resolution. The disciplinary process and any consequent time limits will be suspended for the duration of the mediation. A successful mediation will result in an agreed way forward being established between the Disciplinary Officer and all parties and a record of the agreement reached will be

retained by the University. If mediation is not successful, the disciplinary process must resume from where it was 'suspended'.

- 1.8 For students enrolled on a programme which is delivered by another institution under the terms of a franchise or validation agreement, a penalty imposed by the other institution in respect of a breach of its disciplinary regulations shall constitute a penalty imposed by the University.
- 1.9 The University will take steps to make reasonable adjustments to this procedure to accommodate students with disabilities where necessary.
- 1.10 The University will hold records relating to disciplinary matters in accordance with the Data Protection Act for as long as it is necessary and appropriate to do so. Where a student is found to have committed a disciplinary breach, the University may refer to such matters in any reference which it is later required to provide for the student where appropriate.
- 1.11 The outcome of disciplinary proceedings will remain confidential between the University and the student, save for in circumstances where it is necessary and appropriate for the University to report the matter to external third parties (e.g. police or professional standards bodies) or to refer to the outcome in any reference.

## **2. Disciplinary Officers and their role**

- 2.1 The Disciplinary Officers are:

The Pro Vice-Chancellors  
Deans of Colleges  
The Director of Estates and Facilities  
The Head of Library and Archive Services  
The Head of IT Services  
The Head of Residences  
Senior Wardens of Halls of Residence

- 2.2 The jurisdiction of Disciplinary Officers, other than the Pro Vice-Chancellors and Deans of Colleges, shall normally be restricted as follows: Head of Library to incidents concerned with the premises or property of the Library; the Head of IT Services to premises, equipment and systems associated with computer systems under his/her control; that of the Director of Estates and Facilities to incidents concerned with the premises, equipment and property used for Physical Education and recreation; and that of the Head of Residences and Senior Wardens of Halls to incidents concerned with Halls of Residence.

All Disciplinary Officers are eligible to review the decision of another Disciplinary Officer as specified in Section 4.

- 2.3 When a Disciplinary Officer receives a report of an incident, he/she must decide on the basis of the available evidence whether to investigate the incident (as specified in Section 2.5), refer the report to another Disciplinary Officer, or, if the Disciplinary Officer is not a Pro Vice-Chancellor, to refer the report to a Pro Vice-Chancellor with a recommendation that the student be suspended from the University (as specified in Section 3).

- 2.4 When a Disciplinary Officer is investigating an incident, and it is not clear whether disciplinary action will be necessary or appropriate, he/she may interview a student informally. The student may be accompanied at the interview by a person who has no involvement in the incident being investigated (e.g. by an Officer of the Students' Union). If the Disciplinary Officer decides that disciplinary action is appropriate, the procedure described in Section 2.5 must be followed.

If the Disciplinary Officer concludes, after investigating an incident, that formal disciplinary action is not appropriate, he/she may not impose a penalty but may issue a verbal and/or written warning to the student. Such a warning would be appropriate in circumstances where there was insufficient evidence to demonstrate breaches of the regulations but the student's conduct was not entirely consistent with the University's expectations as defined in Section 1.1.

- 2.5 Where, in the opinion of the Disciplinary Officer, the evidence is sufficient to justify a formal interview, or when an incident has been referred by the Registrar (or nominee) to a Disciplinary Officer to conduct a formal interview, he/she shall:

- [a] Arrange for the student concerned to be notified in writing at least 5 working days before the date of any proposed interview that a report of an incident involving him/her has been received. The letter should indicate the general nature of the incident, refer to the regulations that have been breached, include details of the evidence to support the allegation(s), and state that he/she is required to attend an interview at a specified time and place,
- [b] arrange for at least one other member of staff of the University to be present at the interview as an observer,
- [c] advise the student that he/she may be accompanied at the interview by a person who has no involvement in the incident being investigated (e.g. by an Officer of the Students' Union),
- [d] before the proposed interview commences, inform him/her of the nature of the incident and
- [e] give the student an opportunity to respond to the report of the incident.

- 2.6 After the formal interview, the Disciplinary Officer must choose one or more of the following:

- [a] Dismiss the report of the incident.
- [b] Impose one or more of the following penalties:
  - [i] A reprimand.
  - [ii] A fine not exceeding £100 for each breach of the regulations.
  - [iii] A suspension of privileges for a period not exceeding 28 days.
  - [iv] A requirement to pay the cost of any damage caused.
- [c] If the Disciplinary Officer is a Pro Vice-Chancellor, suspend the student from the University (as specified in Section 3).
- [d] If the Disciplinary Officer is not a Pro Vice-Chancellor, refer the incident to a Pro Vice-Chancellor with a recommendation that the student be suspended from the University (as specified in Section 3).
- [e] If the Disciplinary Officer is not a Pro Vice-Chancellor, refer the incident to a Pro Vice-Chancellor with a recommendation that the incident be referred to the Board of Discipline.

The Disciplinary Officer may defer his/her decision pending further enquiries, further interviews or the results of any criminal proceedings concerning the incident, after which the Disciplinary Officer shall again interview the student.

- 2.7 The Disciplinary Officer (or nominee) shall, within seven days of the final interview with the student: (a) inform the student, in writing, of his/her decision and/or recommendation, (b) advise the student of his/her right to request a review of the decision as set out in Section 3, and (c) keep a record of the evidence and of the interview.
- 2.8 A student may request a review of the finding reached or the penalty imposed by a Disciplinary Officer as detailed in Section 4.
- 2.9 The Board of Discipline, convened at the request of a Pro Vice-Chancellor under Section 2.6 must normally meet within 28 working days of the date on which the student is informed of the Pro Vice-Chancellor's decision.

### **3. Suspension from the University**

- 3.1 The Vice-Chancellor (or other Officer to whom he has delegated this power) and Pro Vice-Chancellors may suspend any student from the University with immediate effect for an initial period not exceeding 28 days (*Suspension from the University* is defined in the notes to this Ordinance). If at the end of that 28 day period, the University considers that the suspension needs to remain in place, the student may be suspended for such further period of time as is considered necessary and appropriate in accordance with Sections 3.4 and 3.5 below by the Vice-Chancellor (or any other Officer to whom he has delegated this power) and Pro Vice-Chancellors. A student may be suspended if it is considered in all the facts and circumstances of the case that such suspension is in the best interests of the University, its staff or students, or of the student concerned, or is necessary to ensure an effective investigation.
- 3.2 Where a student has been suspended, the student concerned shall be invited, within 5 working days of the suspension from the University, to make representations in person to a Pro Vice-Chancellor. If it is not possible for the student to attend in person, he/she may submit a written statement.
- 3.3 After interviewing the student, or considering a written statement from the student, the Pro Vice-Chancellor must choose one or more of the following:
  - [a] Rescind the suspension from the University (for example, in a case of mistaken identity).
  - [b] Reduce the period of suspension to less than 28 days.
  - [c] Confirm that the period of suspension will remain until the 28 day suspension period has elapsed.
  - [d] Refer the allegations against the student to the Board of Discipline.

Under option c, the Pro Vice-Chancellor will undertake a review of the suspension towards the conclusion of the initial 28 day period in order to consider whether it is necessary to extend further the suspension, either for an additional specified period of time or until specified conditions have been met.

- 3.4 If the Pro Vice-Chancellor considers it necessary for a student to remain suspended upon the conclusion of the initial 28 day period set out in Section 3.3 above, the Academic Registrar (or nominee) shall then arrange for two Disciplinary Officers (at least one of whom must be a Pro Vice-Chancellor) to conduct a review of the incident by examining the documentary evidence only. This shall include a report submitted by the Pro Vice-Chancellor who recommended that the period of suspension from the University be further extended. The two Disciplinary Officers must not have had any previous involvement with the case.
- 3.5 After reviewing the documents, the Disciplinary Officers shall take one of the following decisions:
- [a] Confirm that the period of suspension from the University be extended and specify such further suspension period as they consider necessary and appropriate and/or any conditions that must be met.
  - [b] Confirm that the period of suspension from the University should not be further extended..
- 3.6 If a decision is taken to extend a period of suspension in accordance with Section 3.4 and 3.5 above, the Disciplinary Officers must recommend to the Academic Registrar, any actions that must be completed before the student is permitted to return to studies. The actions may include an interview, consideration by the Board of Discipline or any other evidence. If a student is suspended for an extended period of time, the student must make the University aware if his/her circumstances change during that period which may mean that the suspension is no longer necessary in order for the University to review the position accordingly.
- 3.7 If the Pro Vice-Chancellor, under Section 3.3d refers the allegations to the Board of Discipline, the Board of Discipline must normally meet within 28 working days of the beginning of the period of suspension from the University.
- 3.8 In cases where a criminal charge has been brought against a student, he/she may be suspended from the University in accordance with this Section 3 without prejudice, pending the outcome of the legal process. Such suspension shall not be deemed to represent disciplinary action by the University against the student. When the outcome of the legal process is known, the matter should be investigated as specified by the Disciplinary Officers under Section 3.6.
- Please refer to Section 10 for further details on the University's position in respect of its treatment of criminal offences under this procedure
- 3.9 A student may request a review of the decision to suspend him/her from the University, including a decision to extend the period of suspension beyond the initial 28 day period, as specified in Section 4.

#### **4. Review of a Decision made by the Vice-Chancellor, Pro Vice-Chancellor(s) or Disciplinary Officer(s)**

- 4.1 A student may request a review of (a) a penalty imposed by a Disciplinary Officer (under Section 2.6b or 2.6c), (b) a decision to suspend him/her from the University (under Section 3.3c) or (c) a decision to extend a period of suspension from the University beyond 28 days (under Section 3.5). A request for a review must be

submitted in writing to the Academic Registrar within 7 days of the receipt of the relevant decision. The student should explain fully in writing the reason for requesting a review, and may submit any documentary evidence he/she may consider appropriate.

- 4.2 The Registrar shall ask the Academic Registrar (or nominee) to arrange for two Disciplinary Officers (at least one of whom must be a Pro Vice-Chancellor) to conduct a review of the incident by examining the documentary evidence only. This shall include a report submitted by the first Disciplinary Officer. The two Disciplinary Officers must not have had any previous involvement with the case.
- 4.3 After reviewing the documents, the Disciplinary Officers shall take one of the following decisions:
  - [a] Confirm the decision taken by the original Disciplinary Officer(s).
  - [b] Request that the original Disciplinary Officer(s) reconsider the matter in the light of the student's submission and any other evidence considered by the Disciplinary Officers.
  - [c] Amend or rescind the penalty imposed by the original Disciplinary Officer(s).
- 4.4 If the original Disciplinary Officer is requested to reconsider an incident, his/her decision must be reported to the Academic Registrar (or nominee) who will arrange for the two Disciplinary Officers to continue the review and to reach one of the decisions specified in Section 4.3.
- 4.5 The Academic Registrar (or nominee) shall convey the decision of the Disciplinary Officers in writing to the student noting that their decision is final. A student who remains dissatisfied after the review procedure has been concluded may appeal to the Office of the Independent Adjudicator (OIA). Details are available from the Academic Registrar or at the OIA's website at <http://www.oiahe.org.uk/>

## **5. The Board of Discipline**

- 5.1 The Board of Discipline shall be appointed by the Senate and shall consist of a minimum of four members of the academic staff (including the Chair).
- 5.2 Members shall normally serve for a period of five years. The Senate shall appoint a Chair from amongst the Senate members appointed to the Board of Discipline.
- 5.3 The Registrar shall have power to appoint deputy members of the Board of Discipline to replace any members absent, including the Chair.
- 5.4 The President of the Students' Union, shall be invited to nominate a representative to attend a meeting of the Board of Discipline as an observer. The student charged may however object to the presence of the observer, as specified in Section 9.2.
- 5.5 The Registrar (or nominee) shall be Secretary of the Board of Discipline.
- 5.6 Where incidents relate to students following professional training courses, or academic courses which lead to professional recognition, a representative of the relevant profession may be invited to attend meetings of the Board of Discipline as an observer. In determining any penalty to be imposed, it shall be open to the Board of Discipline to invite the professional observer to comment and to take account of such

comment.

5.7 The penalties that can be imposed by the Board of Discipline are one or more of:

- [a] A reprimand.
- [b] A fine (not exceeding £300 for each breach of the regulations).
- [c] A requirement to pay the cost of any damage caused
- [d] Suspension of privileges.
- [e] Suspension from the University.
- [f] Termination of the student's current registration.
- [g] Expulsion from the University.

*(Suspension of Privileges, Suspension from the University and Expulsion from the University are defined in the notes to this Ordinance).*

## **6. Procedure leading to a meeting of the Board of Discipline**

When an incident has been referred to the Board of Discipline, the procedure shall be as follows:

- 6.1 The Registrar (or nominee) shall convene a meeting of the Board of Discipline and shall give notice in writing of the charge(s) to the student charged, the Disciplinary Officer concerned, the members of the Board of Discipline and the student's Personal Tutor (or equivalent). The Registrar shall give at least 10 working days notice in writing to the student of the date, time and place of the meeting of the Board of Discipline, and shall advise the student of his/her rights under this Ordinance. The letter must indicate the general nature of the incident, refer to the regulations that have been breached, and include details of the evidence to support the allegations.
- 6.2 The student may, if he/she so wishes, submit a written statement before the meeting of the Board of Discipline. The statement must normally be provided at least 5 working days before the meeting of the Board of Discipline. New information presented by the student at the meeting will not be considered unless there is a good reason, supported by evidence, why it was not possible to present this information any earlier.
- 6.3 The procedure at the hearing before the Board of Discipline shall be as specified in Section 9.
- 6.4 Within four working days of the completion of the proceedings of the Board of Discipline, the Registrar shall give notice, in writing, to the student of the finding of the Board and the penalty (if any) imposed. The Registrar shall at the same time advise the student of his/her right of appeal as specified in Section 7.

## **7. Appeals against a decision of the Board of Discipline**

- 7.1 A student is entitled to appeal against a decision of the Board of Discipline to the Board of Appeal, whose decision shall be final.
- 7.2 If a student wishes to appeal he/she shall, within seven working days of receiving the decision of the Board of Discipline, give Notice of Appeal in writing to the Registrar. The Notice of Appeal shall state if the appeal is against the finding or the penalty or both and shall give the grounds of the appeal.

7.3 Appeals will only be considered on the following grounds:

- [a] Defects or irregularities in the conduct of the Board of Discipline and where such defects, irregularities or advice could have affected the decision.
- [b] Exceptional personal circumstances that relate to the Board of Discipline's decision. The appellant must explain why such personal circumstances were not made known to the Board before its meeting. Where a student could have reported exceptional circumstances to the Board prior to its meeting, but did not do so, those circumstances cannot subsequently be cited as grounds for appeal.

## **8. The Board of Appeal**

8.1 The Board of Appeal shall be appointed by the Senate and shall consist of four members as follows:

Two lay members of the Council, nominated by the Council (one of which shall be Chair of the Board of Appeal).

Two members of the Senate.

8.2 No person shall be appointed to both the Board of Discipline and the Board of Appeal.

8.3 The Registrar shall have power to appoint deputy members of the Board of Appeal to replace any members absent, including the Chair.

8.4 The Students' Union shall be invited to nominate a representative to attend a meeting of the Board of Appeal as an observer. The student charged may however object to the presence of student observers.

8.5 The Registrar (or his/her nominee) shall be Secretary of the Board of Appeal.

8.6 Where incidents relate to students following professional training courses, or academic courses which lead to professional recognition, a representative of the relevant profession may be invited to attend meetings of the Board of Appeal as an observer. When considering matters relating to the penalty imposed by the Board of Discipline, it shall be open to the Board of Appeal to invite the professional observer to comment and to take account of such comment.

8.7 The quorum for a meeting of the Board of Appeal shall be four members, one of whom must be a lay member of the Council.

8.8 The Registrar shall convene a meeting of the Board of Appeal and shall give at least 10 working days notice in writing to the student of the date, time and place of the meeting of the Board of Appeal.

8.9 The Registrar shall provide for each member of the Board of Appeal, for the student and for the person presenting the allegation against the student, a report of the deliberations of the Board of Discipline, and copies of all documentary evidence presented to the Board of Discipline.



- 8.10 The Board of Appeal may hear an appeal against the whole finding of the Board of Discipline or against any part or parts of it in accordance with the notice of appeal submitted by the student.
- 8.11 The procedure at the hearing before the Board of Appeal shall be as specified in Section 9.
- 8.12 The decision of the Board of Appeal shall be one of the following:
- [a] Confirm the decision of the Board of Discipline.
  - [b] Set aside the decision of the Board of Discipline.
  - [c] Vary the penalty imposed by the Board of Discipline within the limits specified in Section 5.7.
- 8.13 Within four days of the completion of the proceedings of the Board of Appeal the Registrar shall give notice in writing to the student of the finding of the Board of Appeal and of the penalty (if any) imposed.
- 8.14 An appellant who remains dissatisfied after the appeals procedure has been concluded may appeal to the Office of the Independent Adjudicator (OIA). Details are available from the Academic Registrar or at the OIA's website at <http://www.oiahe.org.uk/>

## **9. Procedure at Hearings**

Hearings before the Board of Discipline and Board of Appeal shall be in either English or Welsh, and translation shall be provided as required. The procedure at hearings shall be as follows:

- 9.1 Any member of the Board who is personally involved in any case before the Board shall withdraw from membership of the Board for that case and must be replaced by an alternate.
- 9.2 The student charged shall be given the opportunity to object to the presence of student observers, and if he/she shall so object the observers shall be required by the Chair to withdraw.
- 9.3 The student may be accompanied at the meeting of the Board by one person of his/her own choice who may speak or conduct the case on his/her behalf.
- 9.4 The allegations against the student shall be presented by a Disciplinary Officer who may be accompanied by one person. The allegations presented by the Disciplinary Officer must be based on the documentary evidence sent to the Board members and the student in advance of the meeting.
- 9.5 Hearings before the Board shall be private and such hearings may be attended only by the following: the members of the Board; the student and the person accompanying him/her (if any); the person presenting the allegations against the student and the person accompanying him/her (if any); the Registrar (or nominee) as secretary to the Board; a professional observer (where appropriate); a legal adviser to the Board; and the student observer.
- 9.6 The student, and the person presenting the allegations against the student, may each

call any witnesses as they may think fit provided that they give notice of the names of such witnesses to the Secretary in writing at least 5 working days before the date of the meeting of the Board of Discipline.

9.7 The following procedure shall apply:

- [a] The allegations against the student shall first be heard and thereafter the student shall be entitled to present his/her statement.
- [b] Each party may cross-examine the witnesses presented by the other party.
- [c] Each party shall be entitled to make a final address to the Board after all the witnesses have been called and the student or the person presenting his/her case shall have the right to speak last.

9.8 All persons other than the members of the Board and the Secretary shall withdraw from the room in which the hearing is held whilst the Board considers its decision.

9.9 The Board may postpone or adjourn its meeting provided that this does not prejudice the proper conduct or presentation of the case on behalf of the student.

The Board shall on the postponement or adjournment of a meeting have power to suspend a student's privileges or to suspend a student from the University until the date of the reconvened meeting.

9.10 The Secretary shall prepare a record of the hearing of the Board, including a précis of the evidence given or statements made by all witnesses.

9.11 A statement of the decision made on any case by the Board of Discipline or the Board of Appeal shall be sent to the Senate. However, the names and details shall be confidential to the student concerned, the complainant, to the Disciplinary Officer, the Board of Discipline or the Board of Appeal, as appropriate. Information will be retained on the student's University record and will be held for as long as it is necessary and appropriate to do so.

## **10. Criminal offences**

10.1 The fact that there is ongoing police action, that a student has been charged for an offence, or convicted of a criminal offence, shall not preclude the University from taking its own disciplinary action in respect of that offence, if a breach of University Regulations is involved.

10.2 The University reserves the right to report incidents to the police where it considers it appropriate to do so

## **11. Serving of Notices and Attendance**

Notices in writing shall be deemed to have been properly served as follows:

11.1 By any Officer of the University upon a student: by delivering the notice by hand to the student or by sending it by email or First Class post to the student at the last known address which the student has registered with the University.

11.2 By the student or his/her adviser upon the University: by delivering the notice by hand

to the office of the Registrar at the University or by sending it by email or First Class post addressed to the Registrar of the University.

- 11.3 Notices sent by post shall be deemed to have been served at the time at which the letter would in the ordinary course be delivered.
- 11.4 Where a student fails to attend a disciplinary meeting, having been required to do so, a meeting on an alternative date shall be arranged. If the student fails to attend on a second occasion, the matter shall be dealt with in his/her absence.
- 11.4 If there are mitigating circumstances the student has the right to seek a postponement of a meeting of the Board of Discipline or of the Board of Appeal. The student must request a postponement at least 3 working days before the date of the Board. In the absence of mitigating circumstances and with the agreement of the Chair, a Board meeting can proceed in the absence of the student if he/she does not attend at the appointed time and has not contacted the Secretary to the Board at least 3 working days before the scheduled time for the Board meeting to arrange a postponement. For the avoidance of doubt, a Board meeting can only be delayed if the student is able to provide documentary evidence of mitigating circumstances that prevent her/his attendance. The Chair of the Board has authority to decide whether the mitigating circumstances presented by a student are sufficient to warrant a postponement of the Board meeting. Under no circumstances can a Board meeting be delayed more than once.

## Notes

1. *'Suspension of privileges' means, for the purpose of this Ordinance:*
  - *exclusion from certain buildings, departments, activities or parts of the University Campus*
  - *selective restriction on attendance at the University*
  - *prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union*
  - *withdrawal of certain facilities or services*
2. *'Suspension from the University' means, for the purpose of this Ordinance:*
  - *total prohibition for a specified period on attendance at or access to the University (including the Students' Union) or participation in University or Students' Union activities. It may be subject to qualification, such as permission to attend the University to sit an examination.*
3. *'Termination of registration' means, for the purpose of this Ordinance:*
  - *the student cannot continue with his/her degree programme, but may be permitted to re-register for an alternative degree programme, subject to normal entry requirements.*
4. *'Expulsion' means, for the purpose of this Ordinance:*
  - *the student ceases to be a student of the University, and may not be re-admitted to or re-registered in the University on any future occasion.*

Amended March 2014

