

Regulation for Student Discipline

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PRIFYSGOL
BANGOR
UNIVERSITY

Date	Supersedes	Description of Change
1 February 2021	2021 Version 01	Minor changes to job titles.
1 February 2021	2020 Version 02	Removal of disciplinary fines. Minor changes to timescales.
1 August 2020	2020 Version 01	Introducing possible pre-meetings for those at risk, stipulating time durations following penalties, expanding on the 'Termination of Enrolment' and a re-admittance delay of 12 months, and including the Deputy Vice-Chancellor's role in proceedings.
16 March 2023	2020 Version 1.1	Review and adjustment to Disciplinary Officer role holders and titles. Update of OIA links.

Document Owner	Approved By	Date Approved	Review Frequency
University Secretary	Senate Regulations and Special Cases Committee.	23 March 2023	Every three years.

Note: In exceptional circumstances, and subject to approval by the Chair of the Senate Regulations and Special Cases Committee, responsibilities assigned to Schools, Heads, of School, School Officers or School Committees in these Regulations may be assumed by the College, Head of College, College Officers or College Committees respectively, as appropriate.



Regulation for Student Discipline

1. Reporting Process

- 1.1 This process will apply to any student who is alleged to have breached the University's General Regulations for all Students and / or the Code of Student Conduct. In addition, the procedure shall include breaches of conditions set by University academic schools, and professional services. This Regulation covers incidents across the University Campus, including within University Halls of Residence.
- 1.2 This Regulation should be used by all academic schools and professional services to deal with disciplinary issues arising out of instances of breaches of University regulations.
- 1.3 This Regulation applies to individuals who are currently (or who were during the period in question) a student at Bangor University. This Procedure covers incidents whilst at University and elsewhere.
- 1.4 A student may seek support and guidance from the following at any point during this process:
 - a. Students' Union – who can offer independent advice and, if necessary, representation and support for the student during the formal process;
 - b. Student Services – who can offer support for any student during this process.
- 1.5 Students who are dealt with under this process are entitled, at any meeting or during the Board of Discipline or Board of Appeal, to be accompanied and/or represented by one of the following. In the case of the Students' Union they will be entitled to conduct the case on the student's behalf, with the student's consent:
 - a) A friend or relative, or
 - b) A representative of the Students' Union, who may speak on the student's behalf, and attend on behalf of the student if necessary.

This is in addition to any health professional or support worker who would usually accompany the student or who may attend, at the University's discretion, by way of making reasonable adjustments for a student.
- 1.6 The University will appoint:
 - a) Disciplinary Officers,
 - b) A Board of Discipline, and

c) A Board of Appeal.

- 1.7 Reviews of the decision of a Disciplinary Officer will be conducted by two other Disciplinary Officers. Appeals against the decision of the Board of Discipline will be considered by the Board of Appeal.
- 1.8 Incidents which may involve breaches of University Regulations and / or the Code of Student Conduct should be reported to the University Secretary (or nominee) in writing, to complaints@bangor.ac.uk. Reports of incidents can be submitted by a student, by the Students' Union, a member of staff, or by a member of staff (e.g. Personal Tutor) acting on a student's behalf and with their consent.

If the individual reporting the incident believes it may also constitute a criminal offence, they must carefully consider reporting the incident to the Police. Individuals should be aware that:

- If an incident is reported to the Police as well as to the University, the University may decide to carry out an initial assessment of the situation and consider any steps it wishes to take pending the outcome of the Police investigation. This initial assessment will be carried out either by a Pro Vice-Chancellor, or by an Assessment Panel (as outlined in Section 2.5). (See also Section 2.6).
- 1.9 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 in any subsequent consideration under the process, including by the Board of Discipline and by the Board of Appeal.
- 1.10 The University Secretary may determine that it is appropriate to attempt to address a reported incident informally, prior to consulting the Disciplinary Officers. This informal stage will not constitute a part of the formal process, and will be an attempt to resolve minor issues undertaken on a risk assessment basis, and with the consent of those involved. The University Secretary will nominate an individual to undertake this informal process.
- 1.11 At the conclusion of any informal process the individual nominated by the University Secretary to undertake the process will submit a report to the University Secretary detailing the individuals consulted, the discussions undertaken, the evidence collected and any suggested outcome(s) (both in terms of suggested further action and consideration of any penalties). The University Secretary will then consider the evidence submitted and will, within 5 working days, where practicably possible, of receiving the report, either:
- a. approve the report, ensuring that the student receives correspondence confirming the outcomes, and timescales for their completion, and advising the student that the disciplinary process has been concluded; or
 - b. direct that the incident is referred to the formal disciplinary process as outlined below. A record will be kept by the Governance Services Office of all informal processes undertaken, and a confidential note will be made on MyBangor.

- 1.12 The names of complainants and other witnesses (and any information that might identify them) must be redacted before documents are circulated under any stage of the disciplinary process to any person other than the Disciplinary Officers, members of the Board of Discipline, members of the Board of Appeal or other relevant members of University staff as required by the incident (e.g. Personal Tutor). All personal information forming part of the disciplinary process must be kept in accordance with the General Data Protection Regulations and the Data Protection Act 2018.
- 1.13 At any stage in the formal disciplinary process, Disciplinary Officers may determine that it is appropriate to attempt to address a reported incident informally by way of mediation; this 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'.
- 1.14 For disabled students, the University will make reasonable adjustments to the procedures in this Regulation, and will make every effort to accommodate the specific requirements of any student.
- 1.15 The University will hold records relating to disciplinary matters in accordance with data protection legislation for as long as it is necessary and appropriate to do so. This will include making a confidential note of the matter on MyBangor. 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 it is proportionate, relevant and appropriate to do so).
- 1.16 The outcome of disciplinary proceedings will remain confidential between the University and the student, with the exception of 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.
- 1.17 It should be noted that disciplinary processes within the University's halls of residence should follow the principles set out in this Regulation. Disciplinary meetings within halls of residence are seen as a preliminary process within this Regulation, and where issues are not resolved at the halls disciplinary stage they should be escalated to the formal process outlined in Section 2.3. As outlined in Section 1.5 students can request support and representation from the Students' Union at any stage.

2. Disciplinary Officers and their role

2.1 The University's Disciplinary Officers are:

- The Deputy Vice-Chancellor
- The Pro Vice-Chancellors
- Deans of Colleges
- Dean of Postgraduate Research
- The University Secretary
- Directors of Professional Services
- The Head of Residential Life, Head Warden, Residential Support Manager and Senior Wardens
- The Senior Safeguarding, Conduct and Complaints Officer

2.2 The jurisdiction of Disciplinary Officers, other than the Pro Vice-Chancellors and Deans, shall normally be restricted as follows:

- Director of Digital Services to incidents concerned with the premises, equipment and computer systems, or property of the Library;
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- Director of Estates and Campus Services to incidents concerned with the premises;
- Director of Campus Services (Operations) to services within their portfolio;
- Head of Residential Life, Head Warden, Residential Support Manager and Senior Wardens to incidents solely concerned with Halls of Residence;
- The Senior Safeguarding, Conduct and Complaints Officer to incidents at the informal first stage of this Regulation (Sections 1.10-1.11).

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

2.3 After receiving a report of an incident, the Disciplinary Officer must decide on the basis of the available evidence whether:

- a) to investigate the incident (as specified in Section 2.5),
- b) refer the report to another Disciplinary Officer, or,
- c) if the Disciplinary Officer is not the Deputy or one of the Pro Vice-Chancellors, to refer the report to the Deputy or a Pro Vice-Chancellor; the report may include 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, the Disciplinary Officer can interview a student informally. The student can be accompanied at the interview by a person who has no direct involvement in the incident being investigated (e.g. by 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 initially investigating an incident, that formal disciplinary action is not appropriate, the Disciplinary Officer cannot 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 The Deputy Vice-Chancellor or a Pro Vice-Chancellor, acting as Disciplinary Officer, may decide to convene an initial Assessment Panel in all cases under this Regulation where the allegations against the student are serious, or where the potential consequences for the student are severe, to look at the safeguarding and risk considerations. The membership and terms of reference of the Panel is as follows:

Core Membership

The Deputy Vice-Chancellor or a Pro Vice-Chancellor acting as Disciplinary Officer (Chair)
Dean of relevant College or Head of relevant School
Students' Union President (or nominee)
University Secretary
Senior Safeguarding, Conduct and Complaints Officer
Safeguarding, Conduct and Complaints Coordinator (Secretary)

In addition one or more of the following may be invited:

Director of Student Services and Administration
Director, Students' Union (where the President of the Students' Union or nominee are not present)
Chief People Officer

Terms of Reference

The Panel will be convened by the University Secretary (or nominee) in all cases under this Regulation where the allegations against the student are serious, or where the potential consequences for the student are severe. If an incident is reported to the University, the University will only consider whether a breach of the University's Regulations, Codes or conditions has occurred and will only impose penalties as permitted by this Regulation.

The Panel will consist of the individuals mentioned above (as appropriate), but the Chair may request other relevant members of staff attend the meeting, to offer further information and / or advice. The Panel will be convened on a case by case basis and will make a decision as to whether any initial steps need to be taken with regard to either the individual or any other students or staff affected by the incident.

Where an incident is deemed serious enough, the Deputy Vice-Chancellor / Pro Vice-Chancellor will address issues more quickly if the need arises.

Where an incident has been reported to the Police, dependent on the length of the

Police enquiry, the Panel may meet on more than one occasion, to continue to risk assess the situation as appropriate.

- 2.6 Where, having followed the process in 2.4 above, in the opinion of the Disciplinary Officer, the evidence is sufficient to justify a formal interview, the University Secretary (or nominee) shall:
- [a] Arrange for the student concerned to be notified in writing (which includes by email) a minimum of 5 working days, where practicably possible, before the date of any proposed interview that a report of an incident has been received. The communication 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 will request that the student attends an interview on a particular date, time and place. Where the date and time for the interview is not convenient for the student, because of genuine clashes with exams, lectures, tutorials, workshops etc. the student can request a change to the arrangements.
 - [b] Arrange for at least one other member of staff of the University to be present at the interview as an observer.
 - [c] Advise that the student may be accompanied at the interview by a person who has no involvement in the incident being investigated (e.g. by the Students' Union).
 - [d] Before the proposed interview commences, inform the student of the nature of the incident;
 - [e] Give the student an opportunity to respond to the report of the incident;
 - [f] In the event that the initial risk assessment determines an elevated risk to the student themselves, to other students or staff, or to the local community the student may be requested to meet with the University Secretary (or Nominee) ahead of the meeting with the Disciplinary Officer as described in [a].
- 2.7 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 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.
 - [ii] A suspension of privileges for a period not exceeding 28 days.
 - [iii] A requirement to pay the cost of any damage caused.
 - [c] If the Disciplinary Officer is a Deputy Vice-Chancellor or Pro Vice-Chancellor, suspend the student from the University (as specified in Section 3).
 - [d] If the Disciplinary Officer is a Deputy Vice-Chancellor or Pro Vice-Chancellor, refer the incident to the Board of Discipline.

- [e] If the Disciplinary Officer is not a Deputy Vice-Chancellor or Pro Vice-Chancellor, refer the incident to a Deputy Vice-Chancellor or Pro Vice-Chancellor with, if appropriate, a recommendation that the student be suspended from the University (as specified in Section 3).
- [f] If the Disciplinary Officer is not a Deputy Vice-Chancellor or Pro Vice-Chancellor, refer the incident to a Deputy Vice-Chancellor or Pro Vice-Chancellor with a recommendation that the incident be referred to the Board of Discipline.

The Disciplinary Officer may defer making a decision pending further enquiries, further interviews or the results of any legal proceedings concerning the incident(s).

- 2.8 The University Secretary (or nominee) shall, within 5 working days, where practicably possible, of the final interview with the student:
- (a) inform the student, in writing, of the decision and/or recommendation;
 - (b) advise the student of their right to request a review of the decision as set out in Section 4; and
 - (c) keep a record of the evidence and of the interview.
- 2.9 A student may request a review of the finding reached or the penalty imposed by a Disciplinary Officer as detailed in Section 4.
- 2.10 Where a decision to refer the matter to a Board of Discipline has been made, the Board, convened at the request of a Deputy Vice-Chancellor / Pro Vice-Chancellor under Section 2.6, must normally meet within 20 working days of the date on which the student is informed of the Deputy Vice-Chancellor / Pro Vice-Chancellor's decision.
- 2.11 For students enrolled on a programme which is delivered by another institution under the terms of a collaborative 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.

3. Suspension from the University

- 3.1 The Vice-Chancellor (or other Officer to whom they have delegated this power), Deputy Vice-Chancellor 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 at the end of this Regulation).

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 they have delegated this power), Deputy Vice-Chancellor and Pro Vice-Chancellors. It would not normally be acceptable for a student to be suspended for more than 3 consecutive 28 day periods, without further consideration from the Vice-Chancellor.

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 10 working days of the suspension from the University, to make representations in person to the Deputy Vice-Chancellor or Pro Vice-Chancellor. If it is not possible for the student to attend in person, a written statement may be submitted. This interview is not required if the student has already been interviewed by a Deputy Vice-Chancellor or Pro Vice-Chancellor under Section 2.5.
- 3.3 After interviewing the student, or considering a written statement from the student, the Deputy Vice-Chancellor / 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 or malicious report).
 - [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 Deputy Vice-Chancellor / 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 the suspension further, either for an additional specified period of time or until specified conditions have been met.

- 3.4 If the Deputy Vice-Chancellor / 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 University Secretary (or nominee) will then arrange for two Disciplinary Officers (at least one of whom must be a Deputy Vice-Chancellor or Pro Vice-Chancellor) to conduct a review of the incident by examining the documentary evidence only. This will include a report submitted by the Deputy Vice-Chancellor / 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 will take one of the following decisions:
- [a] Confirm that the period of suspension from the University should 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 extended further.
- 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 University Secretary (or nominee), any actions that must be completed before the student is permitted to return to studies. The actions may include an interview with the student, consideration of the case by the Board of Discipline or the collection of any other evidence required. If a student is suspended for an extended period of time, the student must make the University aware of any changes in circumstances 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 Deputy Vice-Chancellor / Pro Vice-Chancellor, under Section 3.3[d] refers the allegations to a Board of Discipline, the Board of Discipline must normally meet within 20 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, the student 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.

Section 8 of this Regulation outlines 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 them from the University, including a decision to extend the period of suspension beyond the initial 28 day period, as specified in Section 4.
- 3.10 When a student's suspension has come to an end the University Secretary (or nominee) will write to inform the student of this fact.

4. Review of a Decision made by the Vice-Chancellor, Deputy 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 2.7[b] or 2.7[c]),
 - (b) a decision to suspend them from the University (under Section 3.3[c]), 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 University Secretary within 10 days, where practicably possible, 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 that is considered appropriate.
- 4.2 The University Secretary (or nominee) will arrange for two Disciplinary Officers (at least one of whom must be a Deputy Vice-Chancellor or 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, the decision must be reported to the University Secretary (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 University Secretary (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 University Secretary (or nominee) or on the OIA's website.

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Bangor University is a member of this scheme. If you are unhappy with the outcome from Bangor University, you may be able to ask the OIA to review your case. You can find more information about making a complaint to the OIA, what it can and cannot look at and what it can do to put things right here: <https://www.oiahe.org.uk/students/>. You normally need to have completed this procedure before you complain to the OIA. Bangor University will send you a letter called a 'Completion of Procedures Letter' when you have reached the end of these processes and there are no further steps you can take internally. If your complaint/appeal is not upheld, Bangor University will issue you with a Completion of Procedures Letter automatically. If your complaint/appeal is upheld or partly upheld you can still ask for a Completion of Procedures Letter from Bangor University if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters/>.

To bring a complaint to the OIA, you need to submit a completed OIA Complaint Form within 12 months of the date of Bangor University's final decision (usually the date of the Completion of Procedures Letter), and you will normally need to send the OIA your Completion of Procedures Letter.

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). Any one of the Senate appointees may chair a Board of Discipline.

- 5.2 The University Secretary (or nominee), as Secretary to Senate shall have power to appoint deputy members of the Board of Discipline to replace any members absent, including the Chair.
- 5.3 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 being investigated may however object to the presence of the observer, as specified in Section 7.3. This does not change the arrangements outlined in 1.4 above.
- 5.4 The University Secretary (or nominee), as Secretary to Senate, shall be Secretary of the Board of Discipline.
- 5.5 The Secretary shall convene a meeting of the Board of Discipline and shall give notice in writing of the incidents to the student being investigated, the Disciplinary Officer concerned, the members of the Board of Discipline and the student's Personal Tutor (or equivalent). The University Secretary shall give a minimum of 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 their rights under this Regulation. The date of the meeting should avoid examination periods times, take place during usual working hours (9am – 5pm), and the student should be allowed to request an alternative date or time. The letter must indicate the general nature of the incident, refer to the regulations, codes, or conditions that have been breached, and include details of the evidence to support the allegations.
- 5.6 The student may submit a written statement before the meeting of the Board of Discipline. The statement must normally be provided a minimum of 3 working days before the meeting of the Board of Discipline. New information presented by the student at the meeting will only be considered at the discretion of the Chair, any new evidence should also be supported by evidence why it was not possible to present this information any earlier.
- 5.7 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 advisor. In determining any penalty to be imposed, it shall be open to the Board of Discipline to invite the professional advisor to comment and to take account of such comment.
- 5.8 The procedure at the hearing before the Board of Discipline shall be as specified in Section 7.
- 5.9 The penalties that can be imposed by the Board of Discipline are one or more of the following:
 - [a] A formal reprimand.
 - [b] A requirement to pay the cost of any damage caused.
 - [c] Suspension of privileges.
 - [d] Suspension from the University.
 - [e] Termination of the student's current enrolment.

[f] Expulsion from the University.

5.10 If a decision is taken to suspend a student from the University it will normally be for a period of 12 months from the date of the Board of Discipline, unless the Board agrees a specific period.

5.11 If a decision is taken to terminate a student's current enrolment, the earliest date that a new application to the University will be considered will be 12 months from the date of the Board of Discipline. The Board of Discipline can also recommend to the University Secretary (or nominee) any actions that must be completed before the student is permitted to return to studies. The actions may include an interview with the student, further consideration by the Board of Discipline or the collection of any other evidence required prior to a decision to readmit being made.

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

5.12 Within 5 working days, where practicably possible, of the completion of the proceedings of the Board of Discipline, the University Secretary shall give notice, in writing, to the student of the finding of the Board and the penalty (if any) imposed. The University Secretary (or nominee) shall at the same time advise the student of the right to appeal as specified in Section 6.

6. The Board of Appeal

6.1 A student is entitled to appeal against a decision of the Board of Discipline to the Board of Appeal, whose decision shall be final.

6.2 An appeal against the Board of Discipline must be submitted to the University Secretary within 10 working days, where practicably possible, of receiving the decision of the Board of Discipline. The Appeal shall state if the appeal is against the finding or the penalty or both and shall give the grounds for the appeal.

6.3 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.

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

- Two independent members of the Council, nominated by the Council (one of which will Chair the Board of Appeal).

- Two members of the Senate.
- 6.5 No person shall be appointed to both the Board of Discipline and the Board of Appeal.
- 6.6 The University Secretary shall have power to appoint deputy members of the Board of Appeal to replace any members absent, including the Chair.
- 6.7 The President of the Students' Union shall be invited to nominate a representative to attend a meeting of the Board of Appeal as an observer. The student who is appealing may however object to the presence of the observer, as specified in Section 7.3. This does not change the arrangements outlined in 1.4 above.
- 6.8 The quorum for a meeting of the Board of Appeal shall be three members, one of whom must be a lay member of the Council.
- 6.9 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 advisor. 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 advisor to comment and to take account of such comment.
- 6.10 The University Secretary (or nominee), as Secretary to Senate, shall be Secretary of the Board of Appeal.
- 6.11 The Secretary shall convene a meeting of the Board of Appeal and shall give a minimum of 10 working days' notice in writing to the student of the date, time and place of the meeting of the Board of Appeal. The date of the meeting should avoid examination periods times, take place during usual working hours (9am – 5pm), and the student should be allowed to request an alternative date or time.
- 6.12 The Secretary shall provide a report of the deliberations of the Board of Discipline, and copies of all documentary evidence presented to the Board of Discipline, for each member of the Board of Appeal, for the student and for the person presenting the allegation against the student.
- 6.13 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. If the Board of Appeal decides that either of the grounds for appeal, as specified in Section 6.3, have been met, the Board of Appeal may consider the case in its entirety before reaching its decision.
- 6.14 The procedure at the hearing before the Board of Appeal shall be as specified in Section 7.
- 6.15 The decision of the Board of Appeal shall be one of the following:
- [a] Reject the appeal and confirm the decision the Board of Discipline.

- [b] Uphold the appeal and allow the student to continue studies
- [c] Refer the matter back to a Board of Discipline, which should not have the same membership as the original Board.

- 6.16 Within 5 days, where practicably possible, of the completion of the proceedings of the Board of Appeal the University Secretary (or nominee) shall give notice in writing to the student of the finding of the Board of Appeal and of the penalty (if any) imposed.
- 6.17 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 University Secretary (or nominee) or on the OIA's website.

7. Procedure at Hearings of the Board of Discipline and Board of Appeal

- 7.1 Hearings before the Board of Discipline and Board of Appeal shall be in either Welsh or English, and translation shall be provided as required. The proceedings of the Board of Discipline and Board of Appeal may only be recorded with the agreement of all participants.
- 7.2 Any member of the Board of Discipline or the Board of Appeal 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 member.
- 7.3 The student being investigated shall be given the opportunity to object to the presence of student observers. If the student objects the observers shall be required by the Chair to withdraw.
- 7.4 Hearings before the Board of Discipline and the Board of Appeal shall be private and such hearings may be attended only by the following: the members of the Board; the student and the person accompanying them (if any); the University Secretary as Secretary to the Board; a professional observer (where appropriate); a legal adviser to the Board; the student observer; and at the Board of Discipline - the Disciplinary Officer presenting the allegations against the student and the person accompanying the Disciplinary Officer (if any).
- 7.5 All persons other than the members of the Board of Discipline or Board of Appeal and the Secretary shall withdraw from the room in which the hearing is held whilst the Board considers its decision.
- 7.6 The Board of Discipline and Board of Appeal may postpone or adjourn its meeting and may request additional information and/or that witnesses are invited to attend the Board provided that this does not prejudice the proper conduct or presentation of the case on behalf of the student.
- 7.7 The Board of Discipline and Board of Appeal 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.

7.8 The Secretary shall prepare a record of the hearing of the Board of Discipline and Board of Appeal, including a précis of the evidence given and of the statements made by witnesses.

7.9 A statement of the decision made on any case by the Board of Discipline and the Board of Appeal shall be sent to the Senate. However, the names and details shall be confidential to the student concerned, the complainant, the Disciplinary Officer, the Board of Discipline or the Board of Appeal, and the Secretary 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.

7.10 At a Board of Discipline

In addition to the provisions set out in Sections 7.1-7.9:

- [a] The student and the individual presenting the allegations 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 a minimum of 5 working days before the date of the meeting of the Board of Discipline.
- [b] 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. The Disciplinary Officer may recommend an outcome to the Board of Discipline.
- [c] The student, or the person representing the student, shall be entitled to present a statement.
- [d] Each party shall be entitled to make a final address to the Board after all the witnesses have been called. The student, or the person presenting the case on behalf of the student, shall have the right to speak last.
- [e] Where a representative of a relevant profession, and / or a member of Disability Services are present as advisor(s) the Board shall be entitled to ask any relevant questions prior to their consideration of the outcome.

7.11 At a Board of Appeal

In addition to the provisions set out in Sections 7.1-7.9:

- [a] The Board of Appeal, at the discretion of the Chair, may call any witnesses as it may think fit provided that the student is given notice of the names of such witnesses in writing a minimum of 5 working days before the date of the meeting of the Board of Appeal.
- [b] 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 a

minimum of 5 working days before the date of the meeting of the Board of Appeal.

- [c] The primary role of witnesses appearing before the Board of Appeal is to provide evidence relevant to the grounds upon which the appeal has been submitted. However the Board of Appeal may, at the discretion of the Chair, hear other evidence relevant to the case.
- [d] The Chair of the Board of Discipline shall present a summary of the findings of the Board of Discipline.
- [e] The student, or the person representing the student shall be entitled to present a statement.
- [f] The student shall be entitled to make a final address to the Board of Appeal.

8. Criminal offences

- 8.1 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, codes or conditions are involved.
- 8.2 The University reserves the right to report incidents to the police where it considers it necessary and appropriate to do so. Such action will be undertaken by the University Secretary.

9. The Giving of Notices and Attendance

Notices in writing must be given in the following ways:

9.1 By any Officer of the University upon a student:

- by delivering the notice by hand to the student; or
- by sending it by email to the student's University account; or
- by First Class post to the student at the last known address which the student has registered with the University.

9.2 By the student or adviser upon the University:

- by delivering the notice by hand to the Legal and Compliance Services office at the University; or
- by sending it by email or by First Class post addressed to the Senior Safeguarding, Conduct and Complaints Officer of the University.

9.3 Notices sent by post shall be considered as having been given at the time at which a letter would be delivered in the ordinary course of post.

9.4. If the student can demonstrate to the satisfaction of the Chair of the relevant Board that there are good reasons (such reasons to be supported by documentary evidence) for the postponement of a meeting of the Board of Discipline or the Board of Appeal, the student is entitled to make a request for a postponement, such request to be made no later than 3 working days before the date of the relevant Board meeting.

9.4.1 A Board meeting can only be postponed once.

9.4.2 If the student does not request a postponement, the Chair can proceed to hold the meeting in the student's absence.

10. Explanatory Notes

For the purpose of this Regulation:

10.1 'Suspension of privileges' means:

- 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.

10.2 'Suspension from the University' means:

- 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.

10.3 'Termination of enrolment' means:

- The student cannot continue with the degree programme, but may be permitted to enrol for an alternative degree programme, subject to the entry requirements detailed within the Admissions Policy. Applications for admission will not be accepted for consideration for a minimum of 12 months or until the date specified by the Board of Discipline has passed.

10.4 'Expulsion' means:

- The student ceases to be a student of the University, and may not be re-admitted to the University on any future occasion.